

Request At-a-Glance

- Input can be written or verbal, general or detailed.
- Input requested by Feb. 3, 2025
- Input will assist in developing policy.
- Stakeholders may request in-person meetings to provide input.
- Additional input may be provided later as this is the first step in a process with multiple opportunities for input.

Request for Stakeholder Input

The Air Quality Division (AQD) of the Oklahoma Department of Environmental Quality (DEQ) is requesting input from stakeholders on policy options that will be incorporated into state rules and, later, the state's Clean Air Act 111(d) Plan for the Electric Generation Sector. The plan will be submitted to the Environmental Protection Agency (EPA) to comply with federal Emission Guidelines (EGs) in 40 CFR Part 60, Subpart UUUUb.

Policy Options

AQD is requesting input that will help form policies that will be shared with the public in a future meeting. After requesting feedback on the policy proposals, AQD will develop proposed rules and those rules will undergo the formal rulemaking process which includes public review, presentation to the Air Quality Advisory Council for review and recommendation, review and adoption by the DEQ's Environmental Quality Board, and (if the rules are approved by the Environmental Quality Board) final review and approval by the Oklahoma Legislature and/or Governor.

Policy Options At-a-Glance

- Adoption of the EGs in 40 CFR Part 60, Subpart UUUUb
- Allow averaging and trading of emissions
- Delay requirements for some facilities to ensure grid stability (a documented and verified reliability need will be required)
- Allow delays using RULOF based on:
 - Age of the facility
 - Physical impossibility to install controls
 - Unreasonable cost of controls
 - Other criteria

States have the authority to exclude some categories of facilities from some or all requirements based on the cost of controls, the infeasibility of installation of emission controls, or other factors. EPA's uses the term RULOF (remaining useful life and other factors) for the criteria by which facilities may be excluded from requirements, subject to less stringent requirements, or subject to delayed requirements. A description of

how AQD may address reliability concerns can be found at:

<https://www.epa.gov/system/files/documents/2024-04/cps-111-fact-sheet-reliability2024.pdf>

At this point, AQD is requesting input regarding *broad policies* that should be incorporated into Oklahoma’s 111(d) plan for the Electric Generation sector.

Written Comments or Verbal Input

Detailed written comments are always helpful but may take time to develop. During the interim, stakeholders may request an in-person meeting with AQD staff.

It may be more practical for a stakeholder to provide general information initially with a more detailed follow-up at a later date. Stakeholders are encouraged to focus on broad policy options at this stage of the process. Stakeholders may prefer that a facility receive a deadline extension from the rules due to the age of the facility or the equipment located at the facility.

AQD would like to emphasize that this is *not* a formal comment period. This is a request for input upstream of policy development which is, itself, upstream of rule development (which will have a formal public comment period).

While the AQD is requesting input by **February 3, 2025**, this deadline is not the end of the opportunity for input and feedback. In addition, early policy input followed up later with more detailed supporting information is entirely appropriate and will help AQD craft policies that will later be developed into fully-fledged rules.

Questions

Detailed information would be most helpful, but more general information is also valuable. AQD has outlined areas where we are seeking input and the requests are targeted at industry and community stakeholders. However, *any* stakeholder may provide input on *any* related topic. Stakeholders should not feel constrained by the information AQD is requesting. In addition, DEQ has sent specific request letters to companies that own or operate designated facilities to get further information on each unit.

Industry stakeholder information requested:

1. Broad policy recommendations.
2. Information supporting the need to apply RULOF to a facility.
3. Plans to replace the generation at a facility.
4. Why a natural gas generator is not capable of attaining CO₂ emission limits.
5. Economic impact of rules.
 - a. How many facility closures expected?
 - b. Loss or gain of jobs?
 - c. Cost to ratepayers?
6. Grid stability concerns
7. Additional information that would help inform AQD’s rule development and state 111(d) plan.

Community stakeholder information requested:

1. Broad policy recommendations.
2. Proximity of facilities to homes, schools, work.
3. Designated facility impacts.
 - a. Health effects.
 - b. Environmental effects.
4. Economic impacts.
 - a. Employment.
 - b. Community spillover effects.
5. Other concerns that would help inform AQD's rule development and state 111(d) plan.

To provide input, request additional information, or set up an in-person discussion, please contact the AQD using the following email address:

aqd.electric.gen.state.111d.plan@deq.ok.gov