

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

PREAMBLE

1. Register citations and dates for Notice of Proposed Rulemaking:

Notice of Rulemaking Docket Opening: 10 A.A.R. 217, January 9, 2004

Notice of Proposed Rulemaking: 10 A.A.R. 1353, April 9, 2004

2. Sections Affected

R18-2-1610

R18-2-1611

R18-2-1612

R18-2-1613

Rulemaking Action

New Section

New Section

New Section

New Section

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 49-104(A)(10) and 49-425

Implementing statutes: A.R.S. §§ 49-414 and 414.01 (S.B. 1064, effective August 27, 2004, transfers these sections from Title 49, Chapter 3, Article 1 to Title 49, Chapter 3, Article 2, and renumbers them as sections 49-458 and 49-458.01, respectively.)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Deborah "Corky" Martinkovic

Address: ADEQ, Air Quality Planning Section
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-2372, or dial (800) 234-5677 and enter 771-2372

Fax: (602) 771-2366

E-mail: martinkovic.deborrah@azdeq.gov

5. An explanation of the rule, including the agency's reasons for initiating the rules:

Summary.

These rules implement federal regional haze requirements for the pre-trigger portion of the SO₂ Milestones and Backstop Trading Program by requiring applicable stationary sources to monitor and report sulfur dioxide (SO₂) emissions to allow Arizona Department of Environmental Quality (ADEQ) to determine if a regional SO₂ emission milestone has been exceeded. The procedures for applicable stationary sources to participate in a regional backstop market trading program should any milestone be exceeded is outlined in the Model Rule and Model Rule Supplement incorporated by reference in the proposed rule.

Background. Section 169A of the Clean Air Act (CAA) establishes a national goal for protecting visibility in federally-protected national parks and wilderness areas ("Class I areas;" See 40 CFR 81.403). The goal is to remedy existing visibility impairment and prevent future visibility impairment in these Class I areas. Regional haze is a type of visibility impairment caused by air pollutants emitted by numerous sources across a broad region. In 1999, EPA promulgated a Regional Haze Rule that requires development of state implementation plans (SIPs) that assure "reasonable progress" toward the national visibility goal (64 FR 35714, July 1, 1999).

The 1999 Regional Haze Rule (40 CFR 51.309) provided an optional approach for the nine western states that comprised the transport region analyzed by the Grand Canyon Visibility Transport Commission (GCVTC) during the 1990s, including Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming. Arizona, New Mexico, Utah, Oregon, and Wyoming have elected to comply with the Regional Haze Rule by submitting their first SIPs on December 31, 2003, based on the recommendations to improve visibility outlined in the GCVTC's 1996 Report. This option is also available to eligible Indian Tribes within the geographical region studied by the GCVTC. Indian Tribes have no deadline for submitting Tribal Implementation Plans (TIPs).

One element of the GCVTC's recommendations was a backstop regional trading program to reduce stationary source emissions of SO₂. The GCVTC identified SO₂ as causing one third of the visibility impairment on the Colorado Plateau, with the majority of those emissions coming from stationary sources. The recommendation called for the setting of a series of declining caps on SO₂ emissions referred to as, "emissions milestones." These milestones would provide sources incentive to reduce their SO₂ emissions voluntarily through means most economical and feasible to them rather than the conventional command-and-control approach to achieve reductions. Implementation plan assessments of progress and identification of deficiencies are due in the years 2008, 2013, and 2018. The voluntary measures that achieve the milestones were approved by EPA because they must achieve greater reasonable progress than the application and operation of controls under best available retrofit technology (BART). If the voluntary measures do not succeed in reducing SO₂ emissions over time, an enforceable market trading program would be triggered as a "backstop" to assure the reductions would be met.

The Western Regional Air Partnership (WRAP), the successor organization to the GCVTC, authorized a regional work group consisting of affected states, tribes, and EPA regional offices to develop a "model" rule that each participating state would utilize as a standard to establish and operate the Western Backstop SO₂ Trading Program (WEB Trading Program) should any of the milestones be exceeded. The Model Rule and Model Rule Supplement, adopted by the WRAP on August 13, 2003, and incorporated by reference in the proposed rule is available from WRAP at www.wrapair.org. The Model Rule and Model Rule Supplement are also available through ADEQ.

Section R18-2-1610 defines terms used specifically in the proposed rule. Two terms that are used in this rule are not included in the definition section because they are already defined in R18-2-101. These terms are, "affected source" and "stationary source." Section R18-2-1611 establishes which applicable stationary sources are required to participate in the pre-trigger requirements of the SO₂ Milestones and Backstop Trading Program. R18-2-1612 satisfies the pre-trigger requirements of the Regional Haze Rule at 40 CFR 51.309(d)(4)(ii) and outlines the monitoring, reporting and recordkeeping requirements for the applicable stationary sources.

Section R18-2-1613 covers the transition to the Western Backstop SO₂ Trading Program (WEB Trading Program) upon the determination that a regional milestone was exceeded and the backstop trading program has been triggered. During this time it is essential that the applicable stationary sources continue the monitoring, reporting and recordkeeping requirements until the WEB Trading Program is fully implemented, even if an applicable stationary source no longer emits 100 tons per year of SO₂.

The Model Rule and Model Rule Supplement outline the specific post-trigger requirements for the affected stationary sources under the Western Backstop SO₂ Trading Program (WEB Trading Program). The requirements include the responsibility to select an account representative, register for the program, receive an allocation of allowances (a type of tradable emissions credit), and establish an account to hold the allowances. The applicable stationary sources continue to monitor, report and maintain records to determine if they have sufficient annual allowances within their account. Penalties are set should a source fail to comply with the allowance limitation requirements of the program. The Model Rule and Model Rule Supplement also establish a procedure should the 2018 regional milestone be exceeded, and imposes a special penalty for 2018, and for any subsequent year regional SO₂ emissions continue to exceed the 2018 milestone.

Due to the need to establish the procedures for pre-trigger monitoring, recordkeeping and reporting as soon as possible as required under 40 CFR 51.309(d)(4)(ii), and to meet the requirements of the 2003 Arizona Regional Haze State Implementation Plan before December 31, 2004, ADEQ requests an immediate effective date as permissible under A.R.S. 41-1032 (A)(2) and 41-1032(A)(3).

6. An explanation of the substantial change which resulted in this supplemental notice:

R18-2-1613 through R18-2-1623 of the original proposed rule have been replaced by material incorporated by reference in R18-2-1613.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. Rule Identification and Summary

This rulemaking comprises new Sections, R18-2-1610 through R18-2-1613. Rule Sections R18-2-1607, R18-2-1608, and R18-2-1609 are reserved. The Sections within Article 16 pertain to visibility and regional haze.

Regional haze impairs visibility and is caused by air pollutants emitted by many sources across a region. The Clean Air Act (CAA) establishes a national goal to protect visibility in federally protected parks and wilderness areas,

called federal Class I areas (40 CFR 81.403). Arizona has 12 federally-protected Class I areas. The region consisted of a nine-state area in the west. Currently, the states participating in the backstop market trading program consist of the states submitting regional haze state implementation plans (SIPs) under Section 309 of the federal Regional Haze Rule; namely, Arizona, New Mexico, Utah, Oregon, and Wyoming. The 211 Indian Tribes within the region can also participate in the program through the completion of a tribal implementation plan (TIP) or source-specific implementation plans.

The CAA's national goal is attained by improving existing visibility impairment and preventing future visibility impairment in federally mandated Class I areas. Arizona has 12 Class I areas. Visibility improvements are anticipated by establishing milestones for sulfur dioxide (SO₂) reductions over time through voluntary reduction measures as opposed to command-and-control technologies. If the voluntary measures are unsuccessful, however, an enforceable market trading program will be established as a backstop to assure that the SO₂ reductions can be achieved. The greatest reduction in SO₂ emissions is expected to occur at during the last milestone, 2014 to 2018 (see Table below). By 2040, the regional goal for SO₂ reductions is 52 percent from the 1990 level of 831,000 tons.

Milestones	Cumulative 9 State Region Emission Reductions from 1990 (in tons of SO₂)
2003	111,000
2008	116,000
2013	176,000
2018	321,000

This rule implements procedures for Arizona sources participating in the Western Backstop SO₂ Trading Program, referred to as the WEB Trading Program, as required under the federal Regional Haze Rule (40 CFR 51.309). The rule will require stationary sources subject to this rulemaking to monitor and report SO₂ emissions as a way to determine if SO₂ emission milestones have been exceeded, and if so, require such sources to participate in the WEB Trading Program. Arizona's SO₂ emissions will be tracked annually along with other participating states and tribes, and analyzed in a regional milestone report submitted to EPA within a year after each milestone date.

B. Entities Directly Affected

Potential entities directly impacted by this rulemaking include Arizona stationary sources with actual SO₂ emissions of 100 tons or more per year. These sources include: Five coal-fired power plants (utilities), two cement plants, two lime plants, one pulp and paper plant, and three smelters (including one smelter that has suspended operations). The latter eight sources are generally categorized as non-utilities. Other entities include air pollution control manufacturers and vendors; contractors; consultants; lawyers; Arizona Department of Environmental Quality (ADEQ) as the implementing agency; and private persons and consumers.

Potential post-trigger sources include: BART-eligible sources (best available retrofit technology sources as defined in 40 CFR 51.301); other stationary sources not meeting the criteria set forth in R18-2-1611, with actual SO₂ emissions of 100 tons or more per year in the trigger years or subsequent years; and other stationary sources regulated under Section 111 or 112 of the CAA (after August 7, 1980).

C. Potential Costs and Benefits

It should be noted that the analysis outlined here includes both the pre-trigger and post-trigger costs and benefits of the trading program. The post-trigger requirements of the program can be found in the Model Rule and Model Rule Supplement incorporated by reference in the proposed rulemaking. The Model Rule and Model Rule Supplement are available at the Western Regional Air Partnership (WRAP) at www.wrapair.org and at ADEQ.

Before summarizing the preliminary costs and benefits of this rulemaking, it is necessary to discuss the nine-state region as a whole, as well as generalizations about Arizona sources impacted by this rulemaking. All dollar amounts represent 1997 dollars (as provided in the ICF study cited in section 7 of the preamble to this rule). Due to inflation, consumer prices have risen approximately 15 percent between 1997 and 2003. Likewise, one can expect capital investments and other compliance costs to also be higher now than in 1997.

Compliance costs are expected to be lowest if all states and tribes participate in the trading program because this will result in the greatest gains from trading. For example, annual compliance costs for the region could be as much as \$90 million less in 2018 under the trading option compared to states and tribes implementing command-and-control programs.¹ Arizona is one state in which sources are expected to have greater compliance costs under command-and-control. Consequently, sources located in Arizona are expected to experience the greatest cost-saving benefits from participating in the trading program. This is due partially to expectations that Arizona will be a net buyer of trading allowances. Thus, because Arizona has opted to participate in the trading program, not only will the Arizona sources experience lower compliance costs, but so will the entire region.

[1 Anticipated annual savings are the difference between the estimated costs for implementing command-and-control at \$210 million vs. \$120 million for all states and tribes participating in a full trading program. The amount of emissions reduction would be about the same under either program approach. The amount of actual cost savings could

change based on which and how many states and tribes elect to opt out of the trading program. See ICF Consulting Group, *An Assessment of Critical Mass for the Regional SO₂ Trading Program*, prepared for Western Regional Air Partnership Market Trading Forum, September 27, 2002.]

States in the nine-state region and 211 tribal areas may choose not to participate in the regional trading program and fulfill regional haze requirements by implementing command-and-control BART technology and satisfy Section 51.308 requirements of the federal Regional Haze Rule. States and tribes electing not to participate in the program, however, will make the regional program less flexible and increase compliance costs not only for themselves but for other program participants.

Program flexibility means that sources can reduce SO₂ emissions by installing pollution control equipment if that option represents a relatively lower cost alternative, or sources could purchase allowances if the market offers a less expensive means of reducing SO₂ emissions. For example, allowances could be sold at a price to older sources that is lower than the cost per ton of SO₂ emissions abatement for these sources.

Regulatory Agencies

ADEQ expects to be impacted minimally by its review of monitoring plans and reports from sources as well as its participation in the tracking system requirements, which will be managed and funded by an outside, regional administrator. The current number of ADEQ employees can be expected to handle the workload generated by this program.

Regulated Community

Owners and operators of applicable sources are required to monitor, report, and maintain records of their SO₂ emissions during the pre-trigger stage of the program established by this rulemaking. These sources already monitor and report emissions under existing stationary source requirements, but may have some additional costs due to an increase in the record retention requirement from five years to ten years. The additional pre-trigger monitoring, reporting and recordkeeping requirements under the rule should have minimal impact. During this pre-trigger stage, owners and operators of sources can plan how they would reduce SO₂ emissions according to their own time frames.

The incorporation of a pre-trigger time period is vital to the sources by allowing them flexibility to plan and select the optimal compliance strategy. Under command-and-control, sources are much more restricted in developing compliance options. In contrast, a trading program allows increased flexibility for sources to plan how to comply with SO₂ emissions caps and the best strategy for implementing compliance options. This preparation time can be viewed as the foundation for numerous cost-saving benefits to develop in the future. For example, sufficient time is needed to evaluate market conditions relating to demand and resource inputs. Additionally, a source may want to evaluate a variety of variables and options, such as emission variations, production costs, competition, economic profit, expansion capabilities, retrofit possibilities, investments in new technologies, etc. The pre-trigger time provides sources with a mechanism to successfully implement plans with a potential for significant cost-saving benefits.

Should the regional SO₂ emissions cap be exceeded, stationary sources would have an alternative means of reducing SO₂ emissions through tradable allowances, as opposed to having pollution control equipment installed under command-and-control. The regulated community would register for the trading program, select an account representative, and subsequently receive allowances in their compliance accounts. Monitoring would continue to determine if sources have sufficient annual allowances in their respective accounts to operate.

Compliance costs could include fuel costs, annualized capital investments, and operation and maintenance expenditures. Some of the expenditures could include investments in new capacity. According to ICF Consulting Group,² Arizona's owners and operators of affected sources would experience annual incremental compliance costs by 2013 of \$25 million if participating in the trading program or \$37 million if complying through command-and-control. By 2018, annual compliance costs for owners and operators of Arizona's sources are expected to be \$25 million for participating in the trading program and \$40 million for command-and-control.

[2 *An Assessment of Critical Mass for the Regional SO₂ Program*, ICF Consulting Group, 2002.]

It is anticipated that Arizona will have more total SO₂ emissions from its affected sources than its emissions budget (i.e., a negative net allowance budget). Because approximately one third of the SO₂ emission reductions from participating states will come from Arizona sources, Arizona would be a net buyer of trading allowances from out-of-state suppliers. Estimated allowances needed are expected to be in the range of 10,000 to 20,000 tons of SO₂, not including any intrastate trades. Based on an estimated allowance price of \$1,100 to \$2,100 per ton of SO₂, Arizona's sources may have to expend between \$11 million to \$42 million to purchase allowances from Indian tribes or sources in other states.³ Arizona sources could use allowances to avoid some of the high costs of investing in pollution control equipment.

[3 Costs per ton are dependent upon several factors, such as transaction costs, market power, risk, and market inefficiencies.

Owners and operators of sources participating in the trading program will incur additional compliance costs due to administrative burdens. These costs fall under post-trigger monitoring, recordkeeping, and reporting requirements, and include the preparation of monitoring plans and compliance certification reports. These costs are expected to be minimal in comparison to costs that would be incurred under a straight common-and-control program. Additionally,

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

owners and operators of sources out of compliance will incur penalties in the form of allowance deductions and assessments of \$5,000 per ton per violation. Other civil and criminal penalties also could be assessed.

Consumers and Public

ADEQ anticipates that reductions in SO₂ through implementation of this rule will generate benefits for the public at large. These benefits include improvement in visibility, human health, and a possible decrease in acid rain deposition.⁴ Air quality changes are expected to improve visibility in national parks and wilderness areas, as well as other areas within the transport region. Potential human health benefits are expected to accrue because SO₂ emissions can aggravate asthma. Reductions in SO₂ emissions could also avert or reduce acute illnesses or ailments (e.g., shortness of breath, chest tightness, or wheezing). Health gains also could include reduced hospital admissions for respiratory and cardiovascular problems. Avoidance of premature deaths is also a likely possibility.

[4 U.S. EPA and National Park Service, 2018 Milestone Reductions Benefits Assessment, August 11, 2000.]

Sources may pass on increased compliance costs to consumers. Thus, increases in production costs may be reflected in higher prices for goods. Even though the health and welfare benefits are for the most part unquantifiable, it is believed that probable economic benefits will exceed probable costs of this rulemaking, particularly because the compliance costs of a trading program are less than those of a command-and-control emissions reduction program.

D. Potential Impacts to Small Businesses

A variety of methods are available to reduce the impact of a rulemaking on small businesses. A.R.S. § 41-1035 prescribes five methods for reducing the impact. These methods include establishing less stringent compliance or reporting requirements, less stringent schedules or deadlines for compliance or reporting requirements, simplified reporting requirements, replacing design or operational standards with performance requirements, or exempting small businesses from some or all rule requirements. None of these methods, however, are feasible or fall within the requirements of this rulemaking. Furthermore, applicable sources are expected to be large sources and not classified as small businesses. Sources undergoing modifications that could produce actual SO₂ emissions of 100 tons or more per year would become applicable sources. Potentially, some of these sources could be classified as small businesses.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: David Lillie
Address: ADEQ, Air Quality Planning Section
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4461, or dial 800-234-5677 and enter 771-4461
Fax: (602) 771-2366
E-mail: lillie.david@azdeq.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule.

Date/Time: Wednesday, October 13, 2004, 4:30 p.m.

Location: Room 250, ADEQ, 1110 West Washington Street, Phoenix, Arizona

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rule:

<u>Incorporations by reference</u>	<u>Location</u>
Model Rule and Model Rule Supplement	Western Regional Air Partnership at www.wrapair.org and ADEQ

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR POLLUTION CONTROL

ARTICLE 16. VISIBILITY; REGIONAL HAZE

Section

R18-2-1610. SO₂ Milestones and Backstop Trading Program; Definitions

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

- R18-2-1611. Applicability
R18-2-1612. Pre-trigger Monitoring, Recordkeeping and Reporting
R18-2-1613. WEB Trading Program Trigger

ARTICLE 16. VISIBILITY; REGIONAL HAZE

R18-2-1610. SO₂ Milestones and Backstop Trading Program: Definitions

- A.** This rule implements the pre-trigger provisions of the SO₂ Milestones and Backstop Trading Program required under 40 CFR 51.309(d)(4)(ii). Nothing in this Article waives any requirement otherwise in effect or subsequently required under any other law, including rules governing new sources.
- B.** When used in this Article:
1. “Actual SO₂ Emissions” means total annual sulfur dioxide emissions determined according to R18-2-1611.
 2. “Fugitive emissions” means those emissions that cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
 3. “Milestone” means the maximum level of stationary source regional sulfur dioxide emissions for each year from 2003 to 2018 as provided in 40 CFR 51.309(f)(1)(i).
 4. “Western Backstop SO₂ Trading Program or WEB Trading Program” means the program implemented under R18-2-1613.

R18-2-1611. Applicability

- A.** All BART-eligible sources as defined in 40 CFR 51.303 that are BART-eligible due to SO₂ emissions.
- B.** All stationary sources that have actual SO₂ emissions of 100 tons or more per year are subject to the requirements of this Section.
- C.** When determining actual SO₂ emissions in subsection (B), the fugitive emissions of a stationary source shall not be included unless the source belongs to one of the following categories of stationary sources:
1. Coal cleaning plants (with thermal dryers);
 2. Kraft pulp mills;
 3. Portland cement plants;
 4. Primary zinc smelters;
 5. Iron and steel mills;
 6. Primary aluminum ore reduction plants;
 7. Primary copper smelters;
 8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
 9. Hydrofluoric, sulfuric, or nitric acid plants;
 10. Petroleum refineries;
 11. Lime plants;
 12. Phosphate rock processing plants;
 13. Coke oven batteries;
 14. Sulfur recovery plants;
 15. Carbon black plants (furnace process);
 16. Primary lead smelters;
 17. Fuel conversion plants;
 18. Sintering plants;
 19. Secondary metal production plants;
 20. Chemical process plants;
 21. Fossil-fuel boilers or combination of boilers totaling more than 250 million British thermal units per hour heat input;
 22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 23. Taconite ore processing plants;
 24. Glass fiber processing plants;
 25. Charcoal production plants;
 26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
 27. Any other stationary source category, which as of August 7, 1980 is regulated under Section 111 or 112 of the Act.

R18-2-1612. Pre-trigger Monitoring, Recordkeeping and Recording

- A.** All stationary sources meeting the criteria of R18-2-1611, for the period defined in subsection (B) shall:
1. Comply with applicable monitoring, recordkeeping and reporting requirements in R18-2-304, R18-2-306, R18-2-327, and R18-2-715.01;
 2. Submit to the Director an annual inventory of SO₂ emissions, beginning with the 2003 emission inventory;
 3. Submit to the Director, if the stationary source is a smelter, an annual report of sulfur input in tons per year with the submission of the annual emissions inventory;
 4. Utilize appropriate emission factors and estimating methodology, and document the emissions monitoring or estimation methodology used;

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

5. Include SO₂ emissions from start up, shut down, and upset conditions in the annual total inventory;
6. Utilize, if an affected source, methods from 40 CFR Part 75 to measure and calculate SO₂ emissions;
7. Maintain records that include the rate and period of SO₂ emissions, the specific installation that is the source of the SO₂ emissions, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions, and to evaluate pollution control;
8. Retain records required under this Section for a minimum of 10 years from the date of record creation, or if the record was the basis for an adjustment to a milestone under 40 CFR 51.309(h)(1), 5 years from the date of a state implementation plan revision, whichever is longer.

B. Duration and Termination of Pre-trigger Requirements.

Any stationary source that meets the criteria of R18-2-1611 at any time after the effective date of this Article shall continue to comply with R18-2-1612 even if the source no longer has actual SO₂ emissions of 100 tons per year or more until either:

- a. The WEB Trading Program is triggered under R18-2-1613; and
- b. The Director and affected sources fully comply with the requirements of the WEB Trading Program; or
- c. The Director determines under 40 CFR 51.309(h)(3) that the regional SO₂ 2018 milestone was achieved.

R18-2-1613. Western Backstop SO₂ Trading Program Trigger

The requirements of the WEB Trading Program contained in the Model Rule and Model Rule Supplement as adopted August 13, 2003 (and no later amendments or editions) by the Western Regional Air Partnership (WRAP), are incorporated by reference and available through the Western Regional Air Partnership at www.wrapair.org, and the Director. The requirements shall apply beginning on the date the Director determines the program has been triggered according to 40 CFR 51.309(h)(1) and 51.309(h)(3).