

MINUTES
AIR QUALITY COUNCIL
April 19, 2006
OSU-Tulsa Campus, 700 N. Greenwood
Tulsa, Oklahoma

AQC Approved
July 19, 2006

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. April 19, 2006 in Room 150 at OSU-Tulsa Campus, 700 N. Greenwood, Tulsa, Oklahoma. Notice of the meeting was forwarded to the Office of the Secretary of State giving the date, time, and place of the meeting on December 5, 2005. Agendas were posted on the entrance doors of the meeting facility and at the DEQ Central Office in Oklahoma City at least twenty-four hours prior to the meeting.

Ms. Beverly Botchlet-Smith convened the hearings by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51, and Title 27A, Oklahoma Statutes, Sections 2-5-201 and 2-5-101 - 2-5-118. Ms. Smith entered the Agenda and the Oklahoma Register Notice into the record and announced that forms were available at the sign-in table for anyone wishing to comment on any of the rules. Ms. Sharon Myers, Chair, called the meeting to order. Ms. Bruce called roll and a quorum was confirmed.

MEMBERS PRESENT

Sharon Myers
David Branecky
Bob Curtis
Bob Lynch
Gary Martin
Jerry Purkaple
Rick Treeman
Laura Worthen

MEMBERS ABSENT

Don Smith

OTHERS PRESENT

Christy Myers, Court Reporter

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Joyce Sheedy
Max Price
Heather Bragg
Morris Moffett
Kendal Stegmann
Matt Paque

DEQ STAFF PRESENT

Rhonda Jeffries
Dawson Lasseter
Philip Fielder
Nancy Marshment
Myrna Bruce

Transcripts and Attendance Sheet are attached as an official part of these Minutes

Approval of Minutes Ms. Myers called for approval of the January 18, 2006 Minutes. Hearing no discussion, she called for a motion to approve the Minutes as presented. Mr. Treeman made the motion with Mr. Curtis making the second. Roll call as follows with motion passing.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkaple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Abstain
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-5 Registration, Emission Inventory and Annual Operation Fees [AMENDED] Mr. Morris Moffett advised that the amendment to OAC 252:100-5-2.1(b)(3) concerns the content of the Emission Inventory and will clarify the requirement

to provide a written explanation when yearly emission changes are in excess of 30 percent. Comments were received from the Council then from OG&E Energy Corp. and Trinity Consultants. The motion made by Mr. Treeman was to return the proposal to staff for new language which would include a 30-day extension. Mr. Curtis made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-8 Permits for Part 70 Sources, Part 11 [NEW] Mr. Matt Paque advised that a new Part 11 would incorporate the federal Best Available Retrofit Technology (BART) requirements which are part of the Regional Haze SIP. Mr. Paque pointed out changes that had been made to the rule after Council’s approval at its January 18, 2006 meeting. Staff’s recommendation was to forward this rulemaking to the Environmental Quality Board for permanent adoption. He added that the recommendation also would be for emergency approval due to the timing and the fact that the Board will not be meeting in June. Mr. Paque entered into the record comments received after preparation of the Agenda Packet, from George Pacific and EPA. Following questions by the Council, Mr. Paque pointed out that there would need for motions and votes for both permanent and for emergency adoption. Mr. Branecky made motion for permanent adoption with the second by Ms. Worthen. Following discussion, Ms. Myers called to amend the motion to add Mr. Purkapple’s concern for clarification in 252-100-8-73-(a)(1) and (a)(2). Mr. Branecky amended his motion and Ms. Worthen made that second with roll call for the amended motion for permanent adoption.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

Ms. Myers called for a motion for approval to forward to the Board for emergency adoption. Mr. Curtis made the motion and Mr. Purkapple made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-5 Registration, Emission Inventory and Annual Operation Fees [AMENDED]

OAC 252:100-7 Permits for Minor Facilities [AMENDED]

OAC 252:100-9 Excess Emission Reporting Requirements [AMENDED]

OAC 252:100-23 Control of Emissions From Cotton Gins [AMENDED]

Appendix P Regulated Air Pollutants [NEW]

Mr. Max Price identified several changes for Subchapters 5, 7, 9, 23, and Appendix P which would make the rules more user-friendly. Proposed amendments would add a new definition for the term “Regulated Air Pollutants”; amend the terms ‘Actual emissions’; “Allowable emissions” and “Regulated pollutant (for fee calculation)”; add a new

definition for “Gross particulate matter” (GPM) which replaces the term “TSP”. Mr. Price related that staff would like to continue the proposal to Council’s next meeting to allow time for further public comment. Mr. Treeman made the motion to continue and Mr. Curtis made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-17-61 Incinerators [AMENDED] Dr. Joyce Sheedy advised that proposal would amend Section 61 to update the incorporation by reference for commercial and industrial solid waste incineration (CISWI) units. She explained the extensive changes that EPA had made to the language in the definition and that the final revision was published in the Federal Register. Dr. Sheedy conveyed that notice of the proposed changes was published in the Oklahoma Register and that no comments had been received. Staff’s recommendation was to forward to the Environmental Quality Board for permanent adoption. Following discussion, Mr. Branecky made motion to forward this incorporation by reference to the Board. Mr. Purkapple made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-17 Incinerators Part 11 Other Solid Waste Incineration Units [NEW] Ms. Heather Bragg stated that the proposal allows for a new Part 11 for Other Solid Waste Incineration Units (OSWI) to establish state emission standards and other enforceable requirements for existing OSWI. She added that it is necessary to promulgate new rules to establish an enforcement mechanism required by the State 111(d) Plan. Ms. Myers pointed out that staff’s recommendation was to continue and called for a motion. Mr. Curtis made motion to continue and Mr. Treeman made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkapple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

OAC 252:100-44 Control of Mercury Emissions From Coal Fired Electric Steam Generating Units [NEW] Mr. Morris Moffett related the need for a new subchapter due to EPA’s issuance of the Clean Air Mercury Rule to permanently cap and reduce mercury emissions from coal-fired power plants. He described three proposal options for discussion adding that the Department recommends that the rulemaking be continued to allow for more public comment.

Option 1: Incorporation by reference of the federal Clean Air Mercury Rule (CAMR) issued in May 2005.

Option 2: Adoption of the model rule issued in November 2005 by the State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officials (STAPPA/ALAPCO).

Option 3: A rewrite of the federal CAMR by the Department with state-developed timelines and requirements.

Along with Council's questions and comments, public comments were received from Ms. Julia Bevers on behalf of the electric utility group that will be affected by this rule and from Mr. Howard Ground, Public Service Company of Oklahoma. Ms. Myers called for motion to continue to Council's next meeting. Mr. Purkaple made the motion and Mr. Curtis made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkaple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

Appendix H. De Minimis Facilities

Appendix I. Insignificant Activities (Registration) List

Appendix J. Trivial Activities (De Minimis) List

Dr. Joyce Sheedy advised that the proposal would reformat each Appendix to make it easier to use and update activities currently in all three lists. She explained that it had been anticipated that when these Appendices were first compiled and made part of Chapter 100 they would be revisited and appropriate changes would be proposed based on the Staff's experience in using the lists and on more accurate emission factors and data if available. Dr. Sheedy mentioned that Appendices cannot be amended; therefore upon approval of the new lists, Staff will also request that the outdated Appendices be revoked. Oral comments were heard from ONEOK and AES Shady Point; and Dr. Sheedy pointed out that written comments had been received from EPA and OIPA. After staff fielded questions, Ms. Myers called for a motion to continue the hearing to Council's July meeting. Ms. Worthen made the motion and Mr. Curtis made the second.

Gary Martin	Yes	Bob Lynch	Yes
Jerry Purkaple	Yes	Bob Curtis	Yes
Laura Worthen	Yes	Rick Treeman	Yes
David Branecky	Yes	Sharon Myers	Yes

Division Director's Report Mr. Eddie Terrill discussed planned topics for the June 22 EFO meeting and invited input for topics from interested parties. He talked about the ozone season stating that the kickoff would be in Tulsa in mid-May. He also mentioned that staff is looking into a Smoke Management Plan.

New Business None.

Adjournment Ms. Myers adjourned the meeting at 11:10 a.m.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
ITEM NUMBER 4A SC5
HELD ON APRIL 19, 2006, AT 9:30 A. M.
IN TULSA, OKLAHOMA**

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2 MEMBERS OF THE COUNCIL

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SHARON MYERS - CHAIR

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DAVID BRANECKY - VICE-CHAIR

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BOB CURTIS - MEMBER

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BOB LYNCH - MEMBER

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GARY MARTIN - MEMBER

8

JERRY PURKAPLE - MEMBER

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DON SMITH - MEMBER

10

RICK TREEMAN - MEMBER

11

LAURA WORTHEN - MEMBER

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13

STAFF MEMBERS

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15 MYRNA BRUCE - SECRETARY

16 EDDIE TERRILL - DIVISION DIRECTOR

17 DR. JOYCE SHEEDY - AQD

18 MATT PAQUE - LEGAL

19 BEVERLY BOTCHLET-SMITH - AQD

20 PHILLIP FIELDER - AQD

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PROCEEDINGS

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MS. MYERS: Good morning. I d

4 like to call the meeting to order. Please

5 make sure all of your cell phones and

6 pagers are turned off before we get

7 started.

8

Myrna, could you call the roll?

9

MS. BRUCE: I will do that. Gary

10 Martin.

11

MR. MARTIN: Here.

12

MS. BRUCE: Jerry Purkapple.

13

MR. PURKAPLE: Here.

14 MS. BRUCE: Laura Worthen.
15 MS. WORTHEN: Here.
16 MS. BRUCE: David Branecky.
17 MR. BRANECKY: Here.
18 MS. BRUCE: Bob Lynch
19 DR. LYNCH: Here.
20 MS. BRUCE: Bob Curtis.
21 MR. CURTIS: Here.
22 MS. BRUCE: Rick Treeman.
23 MR. TREEMAN: Here.
24 MS. BRUCE: Sharon Myers.
25 MS. MYERS: Here.

4

1 MS. BRUCE: And absent is Don
2 Smith. We do have a quorum.
3 MS. MYERS: Okay. The next item
4 on the Agenda is the Approval of the
5 Minutes for the January 18th Meeting. Are
6 there any comments from the Council? If
7 there are no comments, I ll entertain a

8 motion for approval or not.

9 MR. TREEMAN: Move to approve.

10 MR. CURTIS: Second.

11 MS. MYERS: We have an approval

12 and a second.

13 Myrna.

14 MS. BRUCE: Gary Martin.

15 MR. MARTIN: Yes.

16 MS. BRUCE: Jerry Purkaple.

17 MR. PURKAPLE: Yes.

18 MS. BRUCE: Laura Worthen.

19 MS. WORTHEN: Yes.

20 MS. BRUCE: David Branecky.

21 MR. BRANECKY: Yes.

22 MS. BRUCE: Bob Lynch.

23 DR. LYNCH: Yes.

24 MS. BRUCE: Bob Curtis.

25 MR. CURTIS: Yes.

1 MS. BRUCE: Rick Treeman.

2 MR. TREEMAN: Abstain.

3 MS. BRUCE: Sharon Myers.

4 MS. MYERS: Yes.

5 MS. BRUCE: Motion passed.

6 MS. MYERS: At this time we ll

7 enter into the Public Rulemaking Hearings

8 and I will turn it over to Beverly.

9 MS. BOTCHLET-SMITH: Good

10 morning. I am Beverly Botchlet-Smith,

11 Assistant Director of the Air Quality

12 Division, and as such, I ll serve as

13 Protocol Officer for today's hearings.

14 These hearings will be convened by

15 the Air Quality Council in compliance with

16 the Oklahoma Administrative Procedures Act

17 and Title 40 of the Code of Federal

18 Regulations, Part 51, as well as the

19 authority of Title 27A of the Oklahoma

20 Statutes, Section 2-2-201, Sections 2-5-101

21 through 2-5-118.

22 These hearings were advertised in

23 the Oklahoma Register for the purpose of

24 receiving comments pertaining to the

25 proposed OAC Title 252 Chapter 100 Rules as

1 listed on the Agenda and will be entered
2 into each record along with the Oklahoma
3 Register filing. Notice of the meeting was
4 filed with the Secretary of State on
5 December 5, 2005. The Agenda was duly
6 posted 24 hours prior to the meeting on the
7 doors at the DEQ.

8 If you wish to make a statement,
9 it's very important you complete the form
10 at the registration table and then you'll
11 be called upon at the appropriate time.
12 Audience members, please come to the podium
13 for your comments and please state your
14 name.

15 At this time, we will proceed with
16 what's marked as Agenda Item Number 4A on
17 the Hearing Agenda, OAC 252:100-5
18 Registration, Emission Inventory and Annual
19 Operation Fees.

20 And Mr. Morris Moffett will give us
21 the Staff's presentation.

22 MR. MOFFETT: Good morning.
23 Madam Chair, Members of the Council, ladies
24 and gentlemen, the Department is proposing
25 a revision to Subchapter 5, Registration,

7

1 Emission Inventory and Annual Operating
2 Fees.

3 Staff is proposing to amend OAC
4 252:100-5-2.1(b)(3) concerning the content
5 of the Emission Inventory. This change is
6 in response to the request from our clients
7 and from Air Quality personnel. The rule
8 as it stands indicates that the Annual
9 Emission Inventory should include an
10 explanation for any emission that has
11 changed from the permissible allowable or
12 from the previous year by 30 percent or
13 more. The amended version states that the
14 Department may require the information to
15 be provided on request for such

16 documentation. The authority to request
17 such information is afforded the Department
18 in OAC 252:100-5-2.1 , which is titled
19 "Documentation." Many of these emissions
20 are minimal. They are not the primary
21 pollutant from a process, but must be
22 reported as part of the inventory.

23 In a study of 2002 and 2003
24 inventories, there were 10,933 emission
25 records that changed by 30 percent or more

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1 but the amount of the change was less than
2 one ton. The amended rule will allow us to
3 focus on documentation we request rather
4 than on thousands of explanations of
5 minimal emissions increases.

6 Staff asks that the Council vote to
7 approve this proposal and send it to the
8 Environmental Quality Board with the
9 recommendation that it be adopted as a

10 permanent rule.

11 MS. BOTCHLET-SMITH: Do we have

12 any questions from the Council?

13 MR. BRANECKY: Yes, I have a

14 question. And if you can just help me

15 understand -- I probably need all the help

16 I can get. It says the Department may

17 require the owner/operator to provide an

18 explanation for the difference in order to

19 determine compliance.

20 I guess I m having a difficult time

21 understanding why you need an explanation

22 to determine whether the facility is in

23 compliance or not.

24 MR. MOFFETT: I think it means in

25 compliance with having provided an

9

1 explanation if one of the emissions changed

2 more than 30 percent.

3 MR. BRANECKY: So it s not -- but

4 it says it determines compliance with the

5 Oklahoma Clean Air Act or any rule. I
6 mean, to me, you're either in compliance or
7 not. Why do you need an explanation to
8 determine whether you are in compliance or
9 not?

10 MR. MOFFETT: Well, I guess what
11 it's saying is that if you had changed by
12 30 percent, but didn't supply the
13 explanation, then you wouldn't be in
14 compliance for not having provided the
15 instruments.

16 MS. STEGMAN: Kendell Stegman,
17 Legal Counsel for Air Quality. Sometimes
18 when there's a 30 percent increase, there
19 may have been a modification, and now to
20 help us determine if there was a
21 modification at that facility and whether
22 or not they got the proper permits, or
23 authority to operate those kind of things,
24 those kind of changes.

25 MR. BRANECKY: Okay, thank you.

1 DR. LYNCH: I've got a question.
2 Maybe I've just been grading too many
3 papers lately, but the rule says emissions
4 vary. Is this only a concern if they go
5 up? By this, if they go down by 30
6 percent?

7 MR. TERRILL: Actually, no.
8 There could be some instances where if
9 they've dropped dramatically, we may want
10 to know why that is, especially if there
11 has been no change in operation. And then
12 you come in with a 30 percent -- if it
13 drops from, say, a thousand tons to five
14 hundred tons, that's a 50 percent drop,
15 without some sort of modification, or
16 something happening within the facility,
17 either they have under-reported or they
18 have over-reported in the past. So it's
19 just a trigger mechanism for us to take a
20 look at the inventory to assure accuracy.
21 Because that's really all this is. It's

22 designed to make sure that we work with the
23 facilities to get these inventories as
24 accurate as possible because they are used
25 for so many things.

11

1 DR. LYNCH: And why 30 percent?
2 Why was that number chosen?

3 MR. TERRILL: I really have no
4 idea.

5 MR. MOFFETT: It goes back about
6 ten years, when we were trying to get more
7 of these inventories in-line and that was
8 the number that we settled on. It doesn't
9 come from any other document or anything.

10 MR. TREEMAN: It could also just
11 be the way he calculated it, too, could it
12 not?

13 MR. TERRILL: Could be, yes.
14 Could be a lot of reasons for it. They
15 just --

16 MR. MOFFETT: But it s something
17 that we would like to know -- that s the
18 explanation.

19 MR. TERRILL: But where it is
20 now, we re required -- our rule requires us
21 in a lot of cases to issue an NOV because
22 of the difference. If there s not an
23 explanation, then it s a waste of our time
24 and the waste of the facility's time. So
25 only in those cases where we really think

12

1 there is an issue we need to take a look at
2 it, we would be requiring it, and the rest
3 of them we can just let go. It doesn t
4 really amount to anything.

5 MS. BOTCHLET-SMITH: Other
6 questions from the Council? Okay. I ve
7 received notice of oral comment from Melody
8 Martin of OG&E Energy Corp.

9 MS. MARTIN: My name is Melody
10 Martin and I m presenting these comments on

11 behalf of OG&E Energy Corp. this morning.

12 Madam Chair, Members of the Council,
13 DEQ Staff, I appreciate the opportunity to
14 address the Council this morning. Given
15 that Subchapter 5, Section 2.1 is currently
16 open, it s a good opportunity to make a
17 couple of additional changes that I feel
18 will benefit -- that has a potential to
19 benefit both the Air Quality Division and
20 the regulated community.

21 Specifically, I m proposing to amend
22 Subchapter 5, Section 2.1(a)(1), General
23 Requirements, to replace the language
24 submitted prior to March 1st with the
25 language submitted by April 1st of the

13

1 following year. And to strike the
2 remainder of the sentence which allows for
3 extension requests and granting of
4 extensions by the Division.

5 Second, I propose to change
6 Subchapter 5, Section 2.1(a)(2), Permit by
7 Rule, to change the language submitted by
8 March 1st with the language submitted by
9 April 1st of the following year. Each
10 year, OG&E and I suspect a majority of the
11 regulated community that is required to
12 file emission inventories, must ask for an
13 extension beyond the February 28th due
14 date.

15 The proposed change will afford the
16 regulated community the necessary time to
17 complete the inventory without the added
18 burden of filing for an extension. This
19 will not only eliminate the requirement for
20 preparers to request an extension but will
21 eliminate the necessary response from DEQ
22 to grant the extension.

23 For OG&E, a majority of the data
24 required to estimate emissions comes from
25 the Acid Rain Emissions Database. The

1 month of January is spent quality assuring
2 this data, submitting electronic data
3 reports, and waiting for EPA to accept the
4 data, which is due by January 30th each
5 year. This means that emission inventory
6 work on these units cannot even begin until
7 the 1st of February, after these EDR s have
8 been submitted and accepted by EPA.

9 Over the last few years more of the
10 emission inventory work load has shifted
11 from DEQ to the preparers and reviewers.
12 Since implementation of DEQ s Redbud Online
13 Reporting, the regulated community has
14 acquired the additional burden of data
15 input, whereas before DEQ had this burden
16 along with copying and mailing out
17 turnaround documents. Also, with
18 promulgation of the Consolidated Emissions
19 Reporting rule, updated turnaround document
20 forms have been implemented, which has
21 required more information than the
22 companies previously submitted.

23 The proposed change will not have
24 significant effect on public health,
25 safety, or the environment. There is no

15

1 projected net loss in revenue for DEQ, but
2 a potential labor savings for not having to
3 reply to the extension requests.

4 Based on our research, it appears
5 that under the Consolidated Emissions
6 Reporting Rule, states have 17 months after
7 the end of the year to report data to EPA.

8

9 Since more of the workload has
10 shifted to industry, I believe this,
11 proposal for change deserves consideration
12 by the Council this morning.

13 Additionally, the proposed change
14 will make Oklahoma more consistent with
15 other states and EPA Region 6. Currently,
16 Texas and Louisiana have due dates of March

17 31st, and New Mexico's due date is April

18 1st. And I've made some copies of the

19 proposed language changes for you.

20 Does the Council have any questions?

21 I'd be happy to answer any questions.

22 MR. PURKAPLE: Does anybody know

23 what percentage asked for that extension,

24 Ms. Chairperson?

25 MS. MYERS: We could probably ask

16

1 for a show of hands.

2 MR. TERRILL: It's about 30 or 40

3 facilities.

4 MR. PURKAPLE: It's 30 or 40

5 percent?

6 MR. TERRILL: No. It's about 30

7 or 40 facilities I think asked for it. I

8 may be a little bit off on that but that's

9 pretty close. A lot of the bigger ones do.

10 MS. MYERS: Well, emissions

11 inventory is more difficult for larger

12 facilities to get done. And for a lot of
13 industries January and February is your
14 major maintenance time and there are so
15 many other activities going on that it is
16 difficult to get it done.

17 MR. PURKAPLE: Well, I don't have
18 a question but I have a comment in support
19 of it. We spend a lot of time internal
20 QAQC and the data we submit and that
21 additional time would be appreciated. In
22 fact, I'd go May 1st instead of April 1st.

23 MS. MARTIN: Thank you. Any more
24 questions?

25 MR. CURTIS: I have a question

17

1 for the Staff. Is there noticeable impact
2 to the Staff moving from March 1 to April
3 1?

4 MR. TERRILL: Well, the biggest
5 concern -- we've talked about this, moving

6 this in the past, and the biggest concern
7 that our folks have and I think there s
8 some justification in this, is you ll have
9 a considerable number of facilities that
10 will wait until the last minute to start
11 this, even though the data is available.
12 And the longer you extend it out the more
13 we have of all the stuff coming in at the
14 same time. Of course, if we get a vast
15 majority of the facilities going to the
16 Redbud System, that would eliminate a lot
17 of that.

18 We are trying to true-up, if you
19 will, our billing versus our inventory so
20 that we re not running a two-year lag time.
21 And we d like to do that in the next, I
22 don t know, year or two if we can. So I
23 don t know that we re opposed to looking at
24 this change, but if we re going to do that
25 then we re probably not going to be so

1 generous with giving the 30-day extensions
2 because as it is right now we grant the 30-
3 day extension without question. And we
4 generally grant the second 30-day extension
5 without question. We ask a few more
6 questions than we do the first time and
7 then that's when it becomes more of a firm
8 deadline. So, if we want to move this and
9 make that firm then we're not going to be -
10 - we'll have to change this where there are
11 no extensions except maybe one for very
12 unusual circumstances.

13 So if we want to consider this, I'd
14 really like to take this back to the
15 Council or back to our Staff and make sure
16 that we get this language kind of worked on
17 so that we get the benefits of what you all
18 are asking for without creating some
19 unintended problem. Matt.

20 MR. PAQUE: I was just going to
21 point out that I think it's a substantive
22 change and we have to go ahead and Notice
23 it.

24 MR. TERRILL: That s another good
25 point.

19

1 MR. PAQUE: Advertise it in the
2 Oklahoma Register.

3 MR. BRANECKY: But isn t that
4 portion of the rule open?

5 MR. PAQUE: It is open but we --

6 MR. BRANECKY: We can make the
7 change today if we wanted to.

8 MR. PAQUE: Well, we didn t
9 advertise that change, we only advertised
10 the proposed language. I think changing
11 the date is probably substantive enough
12 that it needs its own advertisement.

13 MR. BRANECKY: I thought once
14 that portion of the Rules was advertised as
15 being open that we could make the changes.

16 MR. PAQUE: Well, as long as it
17 was in line with what we Noticed or what

18 the change was going to be.

19 MR. TERRILL: This is totally
20 separate from what we anticipated making
21 the changes -- it is open.

22 MR. BRANECKY: So why didn't we
23 just -- and I'm not trying to argue, I'm
24 just trying to understand. Subchapter 5,
25 you noticed that 2.1, that whole section,

20

1 why didn't we just notice that one whole
2 section as being --

3 MR. PAQUE: That could have been
4 done. The reason why, I'm not sure. We
5 couldn't just open that one section.

6 MR. TERRILL: It's really not
7 that big of a deal. We'll just take it
8 back and bring it back to the Council in
9 July. Advertise it and -- it's really not
10 going to effect anything for this year,
11 you'll have plenty of time to figure out
12 for next year.

13 MS. MYERS: Well, since you

14 opened up the thought process on trying to
15 get the emissions inventory and the billing
16 cycles in sync, are you just going to give
17 us a grace period and forgive one year of
18 emissions fees?

19 MR. TERRILL: Not unless you guys
20 want to pay two years at one time.

21 MS. MYERS: No, we don't want to
22 pay two years, that's where I was going.

23 MR. TERRILL: We are trying to
24 true that up and if you think about it, the
25 way our billing system is set up now is

21

1 we'll bill one year -- one or two years
2 after the Agency no longer needs money.
3 And that doesn't make any sense. And so I
4 don't know. I don't believe we'll be able
5 to true that up. We're not going to be
6 able to do that for another year because we
7 want another year of experience with the

8 automated system and at that point we'll
9 probably go in and do a rule change and
10 true it up.

11 MR. BRANECKY: Well, it would be
12 helpful to me to understand, once you get
13 the data, what do you do with the data? Is
14 there -- what's the process once DEQ
15 receives the emission inventory? Do you go
16 through -- I mean it's all electronic, do
17 you go through and do a QAQC on each report
18 or --

19 MS. BOTCHLET-SMITH: I think
20 Morris could probably go over this better
21 than I could, but they do check the data.
22 They do, do a QAQC.

23 MR. BRANECKY: Okay.

24 MR. TERRILL: They verbally --
25 they visually --

22

1 MR. BRANECKY: Is that manually?
2 They have to have software that does kind

3 of a --

4 MR. TERRILL: No, we re not that
5 far along with that yet. That would be
6 something that we would like to do at some
7 point, develop software that will kick out,
8 red flag certain changes but right now
9 we re lucky that -- we d have to do all the
10 programming for the Redbud internally, we
11 didn t contract any of that out.

12 MR. BRANECKY: And when is your
13 deadline? Is it true that you have 17
14 months since the first of the year to get
15 the --

16 MR. TERRILL: Yeah, they re
17 talking about moving that. Morris can
18 probably answer that better than I can.

19 MR. MOFFETT: It s 17 months now
20 that -- they re calling it reinvent the
21 NEI, but they re trying to move it up, I
22 think it will be 11 at that point -- 11
23 months after our current deadline now.

24 MR. TERRILL: Yeah, there s quite
25 a bit of talk. Whether they will or

1 not, I don't know. But apparently EPA
2 feels like they need a turnaround on the
3 data quicker than they're getting it for a
4 lot of reasons and there's really a big
5 push to move that up. And I suspect
6 they'll move it up some, whether it will be
7 11 months or not, I don't know.

8 MR. PURKAPLE: Eddie, as your
9 Staff looks at this language here I'd like
10 to go ahead and ask that you consider
11 building in a mechanism for at least a one
12 30-day extension. I mean, it may not be as
13 liberal as you have in the past but at
14 least a mechanism to where facilities, if
15 they run into any problem that they still
16 have that --

17 MR. TERRILL: Well, and we don't
18 want to have to issue -- be in a position
19 where we have to issue an NOV because

20 that s really counterproductive if there
21 are really reasons why it can t get in.
22 You re going to have situations that come
23 up where companies can t get it in for
24 valid reasons. So we ll take a look at
25 this and (inaudible).

24

1 MR. BRANECKY: Not an automatic
2 extension like you ve got now, but a valid
3 reason.

4 MR. TERRILL: Right. For cause.
5 Some type of for cause reason.

6 MR. BRANECKY: I m not aware of
7 any other deadlines that we have where we
8 can ask for extensions. We have deadlines
9 for our EDR s, our Electronic Data Reports,
10 for Acid Rain, Permit Applications or
11 renewals, are due. Are there other rules
12 that allow for extensions on deadlines?

13 MR. TERRILL: I m not aware of
14 any but then there could be. They don t

15 think there is any back there either. It s
16 because we re easy to work with on these
17 things. I m sure it s because just as you
18 said it s difficult for -- every facility
19 is different and some have their own
20 difficulties getting things in. So --

21 MR. BRANECKY: The only other
22 option would be May 1st.

23 MR. TERRILL: -- just kind of
24 evaluate.

25 MR. BRANECKY: Hard and fast.

25

1 MR. TERRILL: Yeah, then you ll
2 have -- I know how that works, too.

3 MS. BOTCHLET-SMITH: If we do go
4 to where we re billing based on the
5 previous years, that will put us in a bind
6 on preparing our budget because we ve got
7 to use that information for projection.
8 And we have to have our budget done in

9 June. So that would --

10 MS. WORTHEN: So having a

11 (inaudible).

12 MR. TERRILL: Yeah, because a lot

13 of the stuff doesn't come in -- a lot of

14 the big ones don't come in anyway until

15 then.

16 MS. WORTHEN: Right.

17 MR. TERRILL: But what it does do

18 is it provides a deadline for those folks

19 who can get them in, to get them in. And

20 we do have a fairly significant number that

21 don't and there's no reason, they just

22 don't do it. I understand they've got

23 other things to do besides prepare these

24 things.

25 MR. PURKAPLE: You could give a

26

1 discount rate for early submittal.

2 MR. TERRILL: I'll take that

3 under advisement.

4 MS. BOTCHLET-SMITH: Is there any
5 more discussion on this particular aspect
6 from the Council? Okay.

7 I have another notice of oral
8 comment from Don Whitney. And Don, if
9 you'd come to the podium, please.

10 MR. WHITNEY: I'm Don Whitney
11 from Trinity Consultants, and Trinity
12 assists many of our clients with these
13 emission inventories so we would like to
14 comment.

15 First of all, in favor of that 30
16 percent of notice to DEQ about changes in
17 the inventory. That I think is certainly
18 very well taken, we would support that.

19 And, secondly, on the due date for
20 the Application we would also agree that
21 April 1st would give our clients more time
22 to collect their data and put it all in the
23 order in the Redbud System. Of course, we
24 would also like to keep it for extensions.
25 There is often times extenuating

1 circumstances that happen in facilities.
2 So we would also encourage that to be
3 retained, provision for extensions as well
4 as shipping (inaudible), thank you.

5 MS. BOTCHLET-SMITH: Do we have
6 any other comments from the public? Any
7 other questions or comments from the
8 Council?

9 MS. MYERS: Yeah, I've got a
10 question. Morris, on an annual basis, how
11 much variation is there on the total tons
12 of the various pollutants? How much
13 variation is there?

14 MR. MOFFETT: I've looked at that
15 issue, it's very minimal. It may go down
16 -- up or down by a percent a year. In the
17 90's it edged up and I think that was --
18 they found better emissions factories had
19 done more stack tests and now it's edging
20 down. But it's like one percent a year at

21 the most. So it s really constant, the

22 overall emissions.

23 MS. MYERS: So that helped you on

24 your budget?

25 MR. TERRILL: We ll need to raise

28

1 the fees to compensate for any problems we

2 might have. I m sure you understand.

3 MS. MYERS: I knew that fee

4 increase was coming from somewhere.

5 MS. BOTCHLET-SMITH: Any other

6 comments?

7 MS. MYERS: If there s no other

8 questions or comments we need a Motion on

9 what we re going to do with this thing.

10 MR. TREEMAN: I move that we send

11 it back to Staff to change that language

12 and also put in a language for a 30-day

13 extension.

14 MS. MYERS: We have a motion to

15 send it back to Staff. Do we have a

16 second?

17 MR. CURTIS: I second.

18 MS. MYERS: Bob Curtis second.

19 Myrna.

20 MS. BRUCE: Gary Martin.

21 MR. MARTIN: Yes.

22 MS. BRUCE: Jerry Purkaple.

23 MR. PURKAPLE: Yes.

24 MS. BRUCE: Laura Worthen.

25 MS. WORTHEN: Yes.

29

1

2 MS. BRUCE: David Branecky.

3 MR. BRANECKY: Yes.

4 MS. BRUCE: Bob Lynch.

5 DR. LYNCH: Yes.

6 MS. BRUCE: Bob Curtis.

7 MR. CURTIS: Yes.

8 MS. BRUCE: Rick Treeman.

9 MR. TREEMAN: Yes.

10 MS. BRUCE: Sharon Myers.

11 MS. MYERS: Yes.

12 MS. BRUCE: Motion passed.

13 (End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
ITEM NUMBER 4B
HELD ON APRIL 19, 2006, AT 9:30 A. M.
IN TULSA, OKLAHOMA**

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4

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BOB CURTIS - MEMBER

6

BOB LYNCH - MEMBER

7

GARY MARTIN - MEMBER

8

JERRY PURKAPLE - MEMBER

9

DON SMITH - MEMBER

10

RICK TREEMAN - MEMBER

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LAURA WORTHEN - MEMBER

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16 EDDIE TERRILL - DIVISION DIRECTOR

17 DR. JOYCE SHEEDY - AQD

18 MATT PAQUE - LEGAL

19 BEVERLY BOTCHLET-SMITH - AQD

20 PHILLIP FIELDER - AQD

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PROCEEDINGS

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MS. BOTCHLET-SMITH: Okay. The

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next Item on the Agenda is OAC 252:100-8,

5

Permits for Part 70 Sources, Part 11.

6

Mr. Matt Paque will give the Staff

7

presentation.

8

MR. PAQUE: Madam Chair, Members

9

of the Council, ladies and gentlemen. My

10

name is Matt Paque, I m an attorney for the

11

Department and the Air Quality Division.

12

For this Item of the Agenda I ll discuss

13

the Department s proposed revision to OAC

14 Title 252 Chapter 100 Subchapter 8, Part

15 11.

16 The Council first approved this
17 proposal at its last meeting on January 18,
18 2006 and the amendment was recommended to
19 the Environmental Quality Board. However,
20 between that time, errors were found in the
21 proposed amendment that necessitated its
22 return by the Board to the Council for
23 correction.

24 The rule as proposed today corrects
25 the identified problems.

4

1 Specifically, the proposed OAC
2 252:100-8-73(c)(4) read that the modeling
3 exemption waiver was limited to sources
4 less than 250 tons per year of NO_x, SO₂,
5 and PM-10. This was not the intent of the
6 exemption and the proposed language has
7 been changed.

8 Other changes from the January 18,
9 2006 proposal are:

10 A revision to OAC 252:100-8-73(c)(2)
11 to indicate that the waiver for PM-10 is
12 also based on a facility's potential to
13 emit; also the Department recommends
14 changing the dates for which sources shall
15 be required to submit proposed BART or
16 exemptions from BART.

17 Notice of the proposed rule changes
18 was published in the Oklahoma Register on
19 March 15, 2006, and comments were requested
20 from members of the public.

21 In addition to the comments provided
22 for you today, the Department has received
23 comments from Rob Kaufman of Georgia
24 Pacific, and EPA Region 6.

25 Staff recommends that the Council

1 recommend these changes to the
2 Environmental Quality Board for adoption

3 both as a permanent rule and emergency rule
4 so that the rule can become effective this
5 calendar year.

6 MS. BOTCHLET-SMITH: Do we have
7 any questions from the Council?

8 MR. PURKAPLE: I noticed that the
9 Environmental Quality Board, they canceled
10 their June meeting, correct?

11 Will that effect this process?

12 MR. PAQUE: Well, that s one of
13 the reasons why we re asking you all to
14 approve it by emergency so then when they
15 meet in August we can take it before the
16 Board at their August Meeting. It will go
17 into effect then, 45 days after that time.
18 It is also why we changed the due dates
19 back from December 1st to March 31st of
20 next year to allow a little bit more time.

21 MR. PURKAPLE: I have a question.
22 In 100-8-73(a)(1), refers to a single
23 source and (a)(2), first with a source.
24 Are those supposed to be the same?

25 MR. PAQUE: Let me grab my notes

1 here. I think we could rectify that
2 language with a source. I think it s
3 supposed to be -- it should be the same.
4 We could do single source or a source.

5 MR. PURKAPLE: The second
6 question. In 100-8-75(c)(1) and (2) where
7 it talks about the Application for a Waiver
8 and Exemption, date-wise it needs to go in
9 by, what is it, December 1st? And I guess
10 with the timing, suppose a source makes the
11 Application but it s denied and the denial
12 is opposed to March 30, 2007. It seems
13 like that puts the source in an odd
14 position relative to the rule because it
15 seems to me March 30, 2007 (inaudible)
16 determination or Application in their hand.

17 MR. PAQUE: You re saying that if
18 they turn in an Application for Exemption
19 or Waiver, the Department or EPA disagrees

20 --

21 (Talking over each other).

22 MR. PAQUE: We had talked about
23 that and I thought we were confident that
24 we had an answer before March 30th.

25 MS. BOTCHELT-SMITH: Phillip,

7

1 could you step down to the podium to answer
2 that?

3 MR. FIELDER: Phillip Fielder
4 with the Permit Section. It s our
5 anticipation that we ll start actually
6 reviewing some of this stuff prior to that
7 deadline date and that we will try to move
8 forward as quickly as possible with the
9 understanding that could be an issue. And
10 so we re hoping to get any determinations
11 done in advance of that deadline so that
12 someone could start working on (inaudible)
13 determination, if there is a problem.

14 MR. PURKAPLE: I don t think my

15 concern is as much with the DEQ as it would
16 be if you chose a route to the EPA.

17 MR. FIELDER: That s kind of out
18 of our hands. We re not quite sure about
19 that. We re not expecting very many waiver
20 procedures or proposals but that s a cause
21 of concern, agreed.

22 MR. PURKAPLE: So what position
23 would a source be in, then, having missed
24 the March 30, 2007 deadline?

25 MR. PAQUE: I think we re waiting

8

1 on EPA to give an answer -- to give some
2 sort of a permit and exemption. It would
3 work similar if somebody had their Title V
4 now that the EPA (inaudible due to noise).

5 MR. TERRILL: But there s not an
6 enforcement mechanism in any of this
7 though. Really. I mean that s kind of
8 what s interesting about this is they are a

9 lot of deadlines in there but there s
10 nothing that indicates what s going to
11 happen if you miss them. And so my
12 position is we re going to do the best we
13 can with what we got and hope we get the
14 time frames, and if we don t, we ll do the
15 best we can with what we got.

16 MR. PURKAPLE: I guess my final
17 question is, is the model protocol all
18 worked out? The bugs are fixed and it s --

19 MR. FIELDER: Yeah, I think the
20 model -- the modeling protocols are done.

21 MR. PURKAPLE: Thank you.

22 MR. BRANECKY: Matt, you said
23 there were comments from Georgia Pacific?

24 MR. PAQUE: Yeah.

25 MR. BRANECKY: I haven t -- I

9

1 don t see those in my packet.

2 Did I miss it? Where is it?.

3 MS. WORTHEN: In the separate

4 stuff they gave us.

5 MR. PAQUE: It was provided

6 today.

7 MR. BRANECKY: Oh, okay.

8 MS. WORTHEN: In the packets

9 provided today.

10 (Multiple inaudible conversations)

11 MR. PAQUE: It s in the summary

12 documents.

13 MR. BRANECKY: Thank you.

14 MS. BOTCHLET-SMITH: Are there

15 any other questions from the Council? I

16 didn t have any indication that anyone from

17 the public was wanting to speak but if so,

18 signify me now and I ll call upon you. I

19 don t see anyone from the public wishing to

20 question this or to comment at this time,

21 Sharon. So, if we re through with the

22 Council.

23 MS. MYERS: Matt, what is the

24 Staff s recommendation?

25 MS. BOTCHLET-SMITH: Matt, did

1 you give a recommendation on this rule?

2 MR. PAQUE: Yes. We recommend
3 that it be approved as both a permanent and
4 an emergency rule.

5 MS. MYERS: Okay. We need a
6 Motion from the Council, please.

7 MR. TERRILL: Matt, they need to
8 do that separately, don't they?

9 MR. PAQUE: Yes.

10 MR. TERRILL: They need to make a
11 --

12 MR. PAQUE: Both as a
13 recommendation to the Board as a permanent
14 rule and then a second recommendation to
15 the Board as an emergency rule. And we
16 hope that we won't be bringing it back
17 anymore.

18 MR. BRANECKY: I move that we
19 pass this rule as a permanent rule and send
20 it to the Board for approval.

21 MS. MYERS: We have a Motion --

22 MS. WORTHEN: Second.

23 MS. MYERS: We have a Motion and

24 a second. Myrna, would you call the roll,

25 please.

11

1 MS. BRUCE: Should we do this

2 separately?

3 MS. MYERS: Two separate Motions.

4 MS. BRUCE: Okay. To send --

5 MS. MYERS: The rule is

6 permanent.

7 MS. BRUCE: -- to the Board as a

8 permanent rule.

9 MS. MYERS: Permanent rule, yes.

10 MR. PAQUE: Did you want to make

11 that one change that Jerry had?

12 MR. PURKAPLE: For clarification

13 on 100-8-73(a)(1), (a)(2)?

14 MS. MYERS: Okay. Robert s Rule

15 of Order. We have a Motion and a second.

16 Do we need to amend the Motion?

17 MS. BOTCHLET-SMITH: He can amend
18 his Motion.

19 MR. BRANECKY: What was that
20 again?

21 MR. PURKAPLE: 100-8-73(a)(1) and
22 (a)(2), single source, a source.

23 MR. BRANECKY: Okay. I'll amend
24 my Motion that we send this rule as a
25 permanent rule to the Board with a change

12

1 as suggested by Mr. Purkaple in 100-8-
2 73(a)(1) that we strike that word single
3 out of that sentence.

4 MS. WORTHEN: Second.

5 MS. MYERS: Okay. We now have a
6 Motion and a second to send this as a
7 permanent rule to the Board with one change
8 in the wording. Now can we call roll?

9 MS. BRUCE: Gary Martin.

10 MR. MARTIN: Yes.
11 MS. BRUCE: Jerry Purkaple.
12 MR. PURKAPLE: Yes.
13 MS. BRUCE: Laura Worthen.
14 MS. WORTHEN: Yes.
15 MS. BRUCE: David Branecky.
16 MR. BRANECKY: Yes.
17 MS. BRUCE: Bob Lynch.
18 DR. LYNCH: Yes.
19 MS. BRUCE: Bob Curtis.
20 MR. CURTIS: Yes.
21 MS. BRUCE: Rick Treeman.
22 MR. TREEMAN: Yes.
23 MS. BRUCE: Sharon Myers.
24 MS. MYERS: Yes.
25 MS. BRUCE: Motion passed.

13

1 MS. MYERS: And now we need a
2 Motion to send this as an emergency rule so
3 that it will go into effect before the next
4 Board Meeting.

5 MR. TERRILL: After the Board
6 Meeting.

7 MS. MYERS: After the Board
8 Meeting. Yes.

9 MR. TERRILL: 45 days after.

10 MS. MYERS: 45 days after the
11 Board Meeting.

12 MR. CURTIS: So moved. With the
13 changes.

14 MS. MYERS: We have a Motion. Do
15 we have a second?

16 MR. PURKAPLE: Second.

17 MS. MYERS: We have a Motion and
18 a second to pass this as an emergency rule
19 with the specified change in it.

20 Myrna, could you please call the
21 roll.

22 MS. BRUCE: Gary Martin.

23 MR. MARTIN: Yes.

24 MS. BRUCE: Jerry Purkaple.

25 MR. PURKAPLE: Yes.

1 MS. BRUCE: Laura Worthen.

2 MS. WORTHEN: Yes.

3 MS. BRUCE: David Branecky.

4 MR. BRANECKY: Yes.

5 MS. BRUCE: Bob Lynch.

6 DR. LYNCH: Yes.

7 MS. BRUCE: Bob Curtis.

8 MR. CURTIS: Yes.

9 MS. BRUCE: Rick Treeman.

10 MR. TREEMAN: Yes.

11 MS. BRUCE: Sharon Myers.

12 MS. MYERS: Yes.

13 MS. BRUCE: Motion passed.

14 (End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
ITEM NUMBER 4C
HELD ON APRIL 19, 2006, AT 9:00 A. M.
IN TULSA, OKLAHOMA**

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BOB CURTIS - MEMBER

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BOB LYNCH - MEMBER

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GARY MARTIN - MEMBER

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JERRY PURKAPLE - MEMBER

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DON SMITH - MEMBER

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RICK TREEMAN - MEMBER

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LAURA WORTHEN - MEMBER

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17 EDDIE TERRILL - DIVISION DIRECTOR

18 DR. JOYCE SHEEDY - AQD

19 MATT PAQUE - LEGAL

20 BEVERLY BOTCHLET-SMITH - AQD

21 PHILLIP FIELDER - AQD

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PROCEEDINGS

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MS. BOTCHLET-SMITH: The next Item

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on the Agenda is Item Number 4C, OAC

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252:100-5, Registration, Emission Inventory

7

and Annual Operation Fees; OAC 252:100-7,

8

Permits for Minor Facilities; OAC 252:100-

9

9, Excess Emission Reporting Requirements;

10

OAC 252:100-23, Control of Emissions From

11

Cotton Gins; and Appendix P, Regulated Air

12

Pollutants.

13

Mr. Max Price of our Staff will give

14 the presentation.

15 MR. PRICE: Madam Chairman,
16 Members of the Council, ladies and
17 gentlemen, it is the policy of the Air
18 Quality Division to make our rules as user
19 friendly as possible. To that end, Staff
20 is proposing amendments to Sections
21 252:100-5-1.1, 252:100-7-1.1, and 252:100-
22 9-2 and the addition of a new Appendix P to
23 Chapter 100 to clarify the term, Regulated
24 Air Pollutant or R-A-P, RAP .

25

4

1 currently, the term is somewhat ambiguous
2 and could be construed as meaning any
3 substance regulated under any Federal Air
4 Program, including those federal programs
5 for which the Division does not have
6 regulatory authority. A new Appendix P,
7 Regulated Air Pollutants, will list those
8 substances that are RAP for the Department.

9 The terms Actual Emissions, Allowable
10 Emissions and Regulated Air Pollutant
11 (for fee calculation) are also being
12 amended in Section 252:100-5-1.1 to clarify
13 these terms.

14 In addition, Section 5-1.1 is being
15 amended by the addition of a new term,
16 Gross Particulate Matter or GPM which
17 replaces the term TSP in this Section and
18 Section 252:100-23-2. The term Actual
19 Emissions is also being amended in Section
20 252:100-7-1.1. Again for clarity.

21 There is one correction that we need
22 to make on OAC 252:100-5-1.1. In the
23 definition for Gross Particulate Matter,
24 the acronym should be GPM not CPM .
25 Sometimes my fingers get a little weird
when I m tying this stuff.

Since these revisions are extensive,

1 Staff will ask the Council to hold these
2 proposals over until the next Air Quality

3 Council Meeting to allow time for further
4 public comment. Thank you.

5 MS. BOTCHLET-SMITH: Any
6 questions from the Council?

7 David.

8 MR. BRANECKY: Yes, under the
9 definition of regulated air pollutant, the
10 last two words where it says by an
11 enforceable permit.

12 MR. PRICE: Yes, sir.

13 MR. BRANECKY: Just for my
14 understanding, are there such things as
15 non-enforceable permits?

16 MR. PRICE: Yes, sir, there are.
17 There are permits that are sources that are
18 now covered under a Title V Permit Program.
19 There is -- sometimes there s a problem
20 with the Permits themselves. The rules
21 that they specify don t even exist anymore.
22 So they re not enforceable. That s the
23 kind of thing I was talking about. It has
24 to be enforceable. It has to be
25 enforceable if it s (inaudible). The major

1 sources, of course have Part 70 and that
2 language is use In Subchapter 8, too. So,
3 it s carried over.

4 MR. BRANECKY: Okay. The other
5 question is under Appendix P, regulated air
6 pollutants -- the list of regulated air
7 pollutants, we don t list GPM. So is GPM
8 not a regulated pollutant?

9 MR. PRICE: Yes, sir, it is.
10 It s a particulate matter, and a
11 particulate 4D

12 MS. BOTCHLET-SMITH: Next item on
13 the Agenda is Number 4D, OAC 252:100-17,
14 Incinerators. And we call upon Dr. Joyce
15 Sheedy to present.

16 DR. SHEEDY: Madam Chair, Members
17 of the Council, ladies and gentlemen, we
18 propose to revise Part 9 of Subchapter 17
19 by updating the incorporation by reference
20 in OAC 252:100-17-61, Definitions. Part 9

21 contains the requirements for Commercial
22 and Industrial Solid Waste Incineration
23 units or CISWI units.

24 After the CISWI rule was promulgated
25 in December of 2000, a petition for

7

1 reconsideration of the definitions of
2 commercial and industrial waste and
3 commercial and industrial solid waste
4 incineration unit was filed. In response
5 to this petition, EPA requested comments in
6 a notice published in the Federal Register
7 on February 17, 2004. The final revision
8 to the definitions was published in the
9 Federal Register on September 22, 2005, and
10 became effective immediately.

11 In addition, EPA accepted a
12 voluntary remand, without vacatur, in
13 response to a petition challenging the
14 rules. In a future rulemaking action on

15 the remand, EPA will reconsider the
16 emission limits for CISWI units.
17 Since the reconsideration of the
18 definitions could potentially affect the
19 scope of the CISWI source category, EPA
20 could not complete the rulemaking action on
21 the remand until issues raised in the
22 reconsideration of the definitions were
23 resolved, which they are. EPA must
24 consider the emissions of the best
25 performing sources in the source category

8

1 to determine the applicable emissions
2 limits, so any change to the scope of the
3 category could have a significant effect on
4 the final emissions limits set for CISWI
5 units.

6 EPA has revised the definitions of
7 commercial or industrial waste,
8 commercial and industrial solid waste
9 incineration (CISWI) unit, and solid

10 waste. These three definitions define the
11 scope of applicability of the CISWI rules.
12 EPA made extensive changes to the
13 language in the definition of CISWI unit.
14 They removed some redundant language and
15 added quite a bit of new language in an
16 attempt to express their intent in a
17 clearer manner. EPA's revision adds waste
18 heat recovery units to the list of
19 components which can be included as part of
20 a CISWI unit. The revision also clarifies
21 that the CISWI unit boundary starts at the
22 commercial or industrial waste hopper (if
23 applicable) and extends through two areas:
24 the combustion unit flue gas system and the
25 combustion unit bottom ash system. The

1 revision adds language that states that a
2 CISWI unit does not include any of the 15
3 types of units described in 40 CFR 60.2020

4 or any combustion turbine or reciprocating
5 internal combustion engine.

6 The revised definition of
7 commercial or industrial waste does not
8 change the existing scope of the CISWI
9 source category, but contains editorial
10 revisions to more clearly express EPA's
11 intent. The revised definition excludes
12 from CISWI, units whose design provides for
13 energy recovery and that are actually
14 operated for energy recovery. The
15 definition previously did not make clear
16 that the units must be operated for energy
17 recovery.

18 The revision to the definition of
19 solid waste consists of the removal of the
20 sentence For purposes of this subpart and
21 40 CFR part 60. Subpart DDDD only, solid
22 waste does not include the waste burned in
23 the 15 types of units described in
24 60.2020. This requirement was added to
25 the revised definition of CISWI unit.

1 In the preamble to the revision, EPA
2 maintains that the final amendments to the
3 definitions do not change the scope of the
4 CISWI rules or the requirements of the
5 rules. The amendments to the definitions
6 are meant to clarify the intent of the
7 definitions that were finalized as part of
8 the December 1, 2000 final CISWI rules.
9 Therefore, these recisions do not change
10 the economic, environmental or other
11 impacts of the existing CISWI rules.

12 Review of the State Implementation
13 Plan for CISWI submitted to EPA on June 29,
14 2005, indicates that only four facilities
15 were subject to the CISWI rule at that
16 time.

17 Notice of the proposed rule changes
18 was published in the Oklahoma Register on
19 March 15, 2006, and comments were requested
20 from members of the public. The proposed
21 recision was subsequently available on the

22 DEQ website.

23 We have received no written comments

24 regarding the proposed changes to Part 9

25 Subchapter 17.

11

1 Since the proposed revision is to
2 incorporate by reference revisions intended
3 to clarify the meaning of three definitions
4 already in the CISWI rules, we ask the
5 Council to recommend these changes to the
6 Environmental Quality Board for adoption as
7 a permanent rule.

8 Thank you.

9 MS. BOTCHLET-SMITH: Any
10 questions from the Council?

11 MS. MYERS: Just out of
12 curiosity, how many incinerators do we have
13 in Oklahoma that fall, into this category?

14 DR. SHEEDY: In this category?
15 We listed in the SIP Plan (inaudible) four.

16 Morris, did you --

17 MR. MOFFETT: It s five.

18 DR. SHEEDY: Is it five now?

19 Okay.

20 MR. MOFFETT: (Inaudible

21 conversation).

22 DR. SHEEDY: Okay. There are

23 five apparently.

24 MS. MYERS: Okay.

25 MS. BOTCHLET-SMITH: Do we have any

12

1 questions from the public?

2 MS. MYERS: If there are no

3 further comments or questions from the

4 Council I ll entertain a motion, please.

5 MR. MARTIN: I make a Motion to

6 continue it to the next meeting to -- Is

7 that what the Council or Staff is

8 recommending?

9 MS. MYERS: Corporation by

10 reference.

11 MR. BRANECKY: I move that we
12 pass the rule as suggested by Staff as a
13 permanent rule to the Board.

14 MR. PURKAPLE: Second.

15 MS. MYERS: We have a Motion and
16 a second. Myrna, would you call roll,
17 please.

18 MS. BRUCE: Gary Martin.

19 MR. MARTIN: Yes.

20 MS. BRUCE: Jerry Purkapple.

21 MR. PURKAPLE: Yes.

22 MS. BRUCE: Laura Worthen.

23 MS. WORTHEN: Yes.

24 MS. BRUCE: David Branecky.

25 MR. BRANECKY: Yes.

13

1 MS. BRUCE: Bob Lynch.

2 DR. LYNCH: Yes.

3 MS. BRUCE: Bob Curtis.

4 MR. CURTIS: Yes.

5 MS. BRUCE: Rick Treeman.

6 MR. TREEMAN: Yes.

7 MS. BRUCE: Sharon Myers.

8 MS. MYERS: Yes.

9 MS. BRUCE: Motion passed.

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11 (End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL**

ITEM NUMBER 4D

HELD ON APRIL 19, 2006, AT 9:00 A. M.

IN TULSA, OKLAHOMA

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2

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PHILLIP FIELDER - AQD

3

PROCEEDINGS

MS. BOTCHLET-SMITH: Next item on the Agenda is Number 4D, OAC 252:100-17, Incinerators. And we call upon Dr. Joyce Sheedy to present.

DR. SHEEDY: Madam Chair, Members of the Council, ladies and gentlemen, we propose to revise Part 9 of Subchapter 17 by updating the incorporation by reference in OAC

252:100-17-61, Definitions. Part 9
contains the requirements for Commercial
and Industrial Solid Waste Incineration
units or CISWI units.

After the CISWI rule was
promulgated in December of 2000, a
petition for reconsideration of the
definitions of commercial and industrial
waste and commercial and industrial
solid waste incineration unit was filed.
In response to this petition, EPA
requested comments in a notice published
in the Federal Register on February 17,
2004. The final revision to the

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definitions was published in the
Federal Register on September 22, 2005,
and became effective immediately.

In addition, EPA accepted a
voluntary remand, without vacature, in
response to a petition challenging the
rules. In a future rulemaking action on
the remand, EPA will reconsider the

emission limits for CISWI units.

Since the reconsideration of the definitions could potentially affect the scope of the CISWI source category, EPA could not complete the rulemaking action on the remand until issues raised in the reconsideration of the definitions were resolved, which they are. EPA must consider the emissions of the best performing sources in the source category to determine the applicable emissions limits, so any change to the scope of the category could have a significant effect on the final emissions limits set for CISWI units.

EPA has revised the definitions of

5

commercial or industrial waste, commercial and industrial solid waste incineration (CISWI) unit, and solid waste. These three definitions define the scope of applicability of the CISWI rules.

EPA made extensive changes to the language in the definition of CISWI unit. They removed some redundant language and added quite a bit of new language in an attempt to express their intent in a clearer manner. EPA's revision adds waste heat recovery units to the list of components which can be included as part of a CISWI unit. The revision also clarifies that the CISWI unit boundary starts at the commercial or industrial waste hopper (if applicable) and extends through two areas: the combustion unit flue gas system and the combustion unit bottom ash system. The revision adds language that states that a CISWI unit does not include any of the 15 types of units described in 40 CFR

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60.2020 or any combustion turbine or reciprocating internal combustion engine.

The revised definition of commercial or industrial waste does not

change the existing scope of the CISWI source category, but contains editorial revisions to more clearly express EPA's intent. The revised definition excludes from CISWI, units whose design provides for energy recovery and that are actually operated for energy recovery. The definition previously did not make clear that the units must be operated for energy recovery.

The revision to the definition of solid waste consists of the removal of the sentence "For purposes of this subpart and 40 CFR part 60. Subpart DDDD only, solid waste does not include the waste burned in the 15 types of units described in 60.2020." This requirement was added to the revised definition of CISWI unit.

In the preamble to the revision,

EPA maintains that the final amendments to the definitions do not change the

scope of the CISWI rules or the requirements of the rules. The amendments to the definitions are meant to clarify the intent of the definitions that were finalized as part of the December 1, 2000 final CISWI rules. Therefore, these recisions do not change the economic, environmental or other impacts of the existing CISWI rules.

Review of the State Implementation Plan for CISWI submitted to EPA on June 29, 2005, indicates that only four facilities were subject to the CISWI rule at that time.

Notice of the proposed rule changes was published in the Oklahoma Register on March 15, 2006, and comments were requested from members of the public. The proposed recision was subsequently available on the DEQ website.

We have received no written

comments regarding the proposed changes to Part 9 Subchapter 17.

Since the proposed revision is to incorporate by reference revisions intended to clarify the meaning of three definitions already in the CISWI rules, we ask the Council to recommend these changes to the Environmental Quality Board for adoption as a permanent rule.

Thank you.

MS. BOTCHLET-SMITH: Any questions from the Council?

MS. MYERS: Just out of curiosity, how many incinerators do we have in Oklahoma that fall, into this category?

DR. SHEEDY: In this category? We listed in the SIP Plan (inaudible) four. Morris, did you --

MR. MOFFETT: It s five.

DR. SHEEDY: Is it five now? Okay.

MR. MOFFETT: (Inaudible

conversation).

9

DR. SHEEDY: Okay. There are five apparently.

MS. MYERS: Okay.

MS. BOTCHLET-SMITH: Do we have any questions from the public?

MS. MYERS: If there are no further comments or questions from the Council I'll entertain a motion, please.

MR. MARTIN: I make a Motion to continue it to the next meeting to -- Is that what the Council or Staff is recommending?

MS. MYERS: Corporation by reference.

MR. BRANECKY: I move that we pass the rule as suggested by Staff as a permanent rule to the Board.

MR. PURKAPLE: Second.

MS. MYERS: We have a Motion and a second. Myrna, would you call roll, please.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Jerry Purkaple.

10

MR. PURKAPLE: Yes.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Motion passed.

(End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
OF PUBLIC HEARING ON ITEM NUMBER 4E
OAC 252:100-17; INCINERATORS
PART 11; OTHE SOLID WASTE INCINERATION
UNITS
HELD ON APRIL 19, 2003, AT 9:00 A.M.
IN TULSA, OKLAHOMA

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PHILLIP FIELDER - AQD

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PROCEEDINGS

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MS. BOTCHLET-SMITH: The next

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Item on the Agenda is item 4E, OAC 252:100-

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17, Incinerators; Part 11, Other Solid

6

Waste Incineration Units.

7

We call on Ms. Heather Bragg to give the

8

Staff presentation.

9

MS. BRAGG: Madam Chair, Members

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of the Council, ladies and gentlemen, I m

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Heather Bragg, an Environmental Specialist

12

in the Air Quality Rules and Planning

13

Section.

14

The Department is proposing

15

amendment to OAC 252:100-17, Incinerators.

16 The amendment will allow a new Part 11,
17 Other Solid Waste Incinerators, also know
18 as OSWI, to Subchapter 17 to establish
19 emissions and other enforceable standards
20 for new and existing OSWI.

21 On December 16, 2005, the U.S.
22 Environmental Protection Agency promulgated
23 New Source Performance Standards and
24 Emission Guidelines for other solid waste

25

4

1 incinerators as 40 CFR 60, Subparts EEEE
2 and FFFF, respectively. These rules went
3 into effect on February 14, 2006.

4 An OSWI is defined in 40 CFR 60,
5 Subpart EEEE as either a very small
6 municipal waste incineration unit or an
7 institutional waste incineration unit,
8 where a very small municipal waste
9 combustion unit is any unit that has the
10 capacity to burn less than 35 tons per day
11 of municipal solid waste or refuse-derived
12 fuel. OSWI units include but are not

13 limited to the municipal or institutional
14 solid waste feed system, grate system, flue
15 gas system, waste heat recovery equipment,
16 and bottom ash system. The OSWI unit does
17 not include air pollution control equipment
18 or the stack.

19 The NSPS establish emission and
20 other enforceable standards for OSWI
21 constructed, modified, or reconstructed
22 after June 16, 2006. These units must
23 comply with 40 CFR 60, Subpart EEEE, which
24 is incorporated by reference in 252:100-17-
25 90. The Emissions Guidelines apply to OSWI

Christy A. Myers

Certified Shorthand Reporter

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1 constructed on or before December 9, 2004
2 and appear in the remainder of the new
3 252:100-17 Part 11. The proposed Emission
4 Guidelines in Part 11 are written following
5 40 CFR 60, Subpart FFFF, and are neither
6 more nor less stringent than the Federal
7 Rule.

8 All OSWI are subject to either the
9 NSPS or the Guidelines unless they are
10 listed under the specific exemptions in the
11 regulations. There are 16 types of devices
12 that are exempted under these standards.
13 The exemptions can be found in 252:100-17-
14 93.

15 252:100-17, Part 11 has been written
16 in preparation of the State 111(d) Plan
17 which Staff has begun work on. It is
18 necessary to promulgate new rules to
19 establish an enforcement mechanism required
20 in the State 111(d) Plan. The guidelines
21 in Part 11 and 40 CFR 60, Subpart FFFF,
22 define the minimum requirements that a
23 state pollution control agency must include
24 in its State 111(d) Plan. If Oklahoma does
25 not implement the guidelines in a state

Christy A. Myers

Certified Shorthand Reporter

1 plan, EPA will implement them as a federal
2 plan.

3 Notice of the proposed rule change
4 was published in the Oklahoma Register on
5 March 15, 2006, and comments were requested
6 from members of the public. Staff has
7 received one set of comments from David
8 Branecky, which was given to you this
9 morning in your packet. Most of these
10 comments were in regard to the formatting.
11 This is the first time for the Air Quality
12 Council to consider these amendments.
13 Staff recommends that the Council continue
14 the hearing on the proposed rule changes
15 until the next meeting so that the proposed
16 amendments can be considered as a state
17 plan.

18 MS. BOTCHLET-SMITH: Do we have
19 any questions from the Council?

20 DR. LYNCH: I guess I ll ask the
21 inevitable question. How many facilities
22 does this apply to?

23 MS. BRAGG: We re still working
24 on that inventory. Morris, do you have any
25 additional comments?

1 MR. MOFFETT: Nothing.

2 DR. LYNCH: Is it tens, hundreds?

3 MS. BRAGG: There won't be very
4 many.

5 MR. TERRILL: I think it will be
6 less than 10. I think I've heard that.

7 And that's the problem, we're trying to
8 make sure we've got everybody found.

9 MS. MYERS: And this is one of
10 those things we need to do to keep the Feds
11 out?

12 MR. TERRILL: I'd just about as
13 soon let the Feds have it.

14 MS. BOTCHLET-SMITH: Do we have
15 any questions from the public? Any other
16 comments from the Council?

17 Sharon.

18 MS. MYERS: Staff has recommended
19 that we continue this for the next Council
20 Meeting. Do we have any Motions?

21 MR. CURTIS: Motion to
22 continue to the next Council Meeting.
23 MS. MYERS: We have a Motion, do
24 we have a second?
25 MR. TREEMAN: Second.

Christy A. Myers

Certified Shorthand Reporter

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1 (Reporter asks for clarification)
2 MS. MYERS: Myrna.
3 MS. BRUCE: Gary Martin.
4 MR. MARTIN: Yes.
5 MS. BRUCE: Jerry Purkaple.
6 MR. PURKAPLE: Yes.
7 MS. BRUCE: Laura Worthen.
8 MS. WORTHEN: Yes.
9 MS. BRUCE: David Branecky.
10 MR. BRANECKY: Yes.
11 MS. BRUCE: Bob Lynch.
12 DR. LYNCH: Yes.
13 MS. BRUCE: Bob Curtis.
14 MR. CURTIS: Yes.
15 MS. BRUCE: Rick Treeman.

16 MR. TREEMAN: Yes.
17 MS. BRUCE: Sharon Myers.
18 MS. MYERS: Yes.
19 MS. BRUCE: Motion passed.
20 Ms. MYERS: Thank you, Heather,
21 you got off light.

22 (End of Proceedings)

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Christy A. Myers

Certified Shorthand Reporter

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

* * * * *

**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
OF PUBLIC HEARING ON ITEM NUMBER 4F
OAC 252:100-4
CONTROL OF MERCURY EMISSIONS FROM COAL
FIRED ELECTRIC STEAM GENERATING UNITS
HELD ON APRIL 19, 2003, AT 9:00 A.M.
IN TULSA, OKLAHOMA**

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2

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4

BOB CURTIS - MEMBER

5

BOB LYNCH - MEMBER

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7

JERRY PURKAPLE - MEMBER

8

DON SMITH - MEMBER

9

RICK TREEMAN - MEMBER

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LAURA WORTHEN - MEMBER

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16 DR. JOYCE SHEEDY - AQD

17 MATT PAQUE - LEGAL

18 BEVERLY BOTCHLET-SMITH - AQD

19 PHILLIP FIELDER - AQD

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PROCEEDINGS

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MS. BOTCHLET-SMITH: The next

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Item on the Agenda is Number 4F, OAC

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252:100-44, Control of Mercury Emissions

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From Coal Fired Electric Steam Generating

6

Units.

7

Mr. Morris Moffett will be giving

8

the Staff presentation.

9

MR. MOFFETT: Good morning.

10

Madam Chair, Members of the Council, ladies

11

and gentlemen, the Department is proposing

12

a new OAC 252:100-44, Control of Mercury

13

Emissions from Coal-fired Electric Steam

14

Generation Units. On March 15, 2005 EPA

15

issued the Clean Air Mercury Rule (CAMR) to

16

17 permanently cap and reduce mercury
18 emissions from coal-fired power plants.
19 The Department is proposing adoption of one
20 of three options by the Council to comply
21 with the passage of the Clean Air Mercury
22 Rule, CAMR.

23 The first option is to incorporate
24 by reference the federal Clean Air Mercury
25 Rule (CAMR). The Department isspecifically

4

1 requesting comments concerning the most
2 appropriate method of allocating,
3 distributing, setting aside and reserving
4 the Mercury allocations. A second option
5 is to adopt the model rule issued in
6 November by the State and Local Air Program
7 Administrators and Association of Local Air
8 Pollution Control Officials
9 (STAPPA/ALAPCO). The third option for the
10 rule is a rewrite of the federal CAMR
11 developed by Oklahoma stakeholders. The
12 Department seeks public comment as to which
13 of these options will be most appropriate

14 for Oklahoma.

15 The Department would incorporate by
16 reference the federal Clean Air Mercury
17 Rule (CAMR) as one of the options. The
18 approach EPA has taken is supposed to
19 establish standards of performance
20 limiting mercury emissions from new and
21 existing coal-fired power plants and
22 creates a market based cap-and-trade
23 program which should reduce emissions
24 nationwide. According to EPA, the rule
25 would result in a 50 percent reduction in
5

1 mercury emissions from power plants by
2 2020. EPA said that when fully implemented
3 after 2020, the rule would reduce mercury
4 emissions by 69 percent.

5 A second proposal would require
6 greater emissions reductions on a shorter
7 time frame. The State and Territorial Air
8 Pollution Program Administrators and
9 Association of Local Air Pollution Control
10 Officials (STAPPA) released a proposal for

11 states to consider November 14, 2005 that
12 would reduce mercury emissions from power
13 plants by 90 percent to 95 percent by 2012.
14 Under the STAPPA proposal, utilities would
15 be able to average their emissions among
16 all their plants within a state until 2012,
17 a provision designed to give utilities
18 flexibility in implementing the program.
19 After 2012, utilities would be able to
20 average their emissions among different
21 generating units within a single plant.
22 This would allow utilities to install
23 pollution controls on the generating units
24 where emissions reductions could be
25 achieved most cost-effectively. The

STAPPA/ALAPCO rule has no provision for

6

1 emission trading.

2 The third option for the rule is a
3 rewrite of the federal CAMR with state
4 developed timelines and requirements. The
5 rule would be developed in cooperation with
6 stakeholders and could be considered for

7 adoption. Any such plan will have to be at
8 least as stringent as the CAMR, and must be
9 submitted to the EPA for approval by
10 November 17, 2006.

11 We received comments from the EPA.
12 A letter dated April 10, 2006, signed by
13 David Neleigh, Chief, Air Permits Section,
14 was received by FAX on April 10, 2006.
15 Those comments and Staff responses will be
16 given to the Council and available at the
17 desk. The comments are also available,
18 along with copies of the two proposed rules
19 at the DEQ website.

20 The Department seeks public comment
21 as to which of these plans will be most
22 appropriate for Oklahoma and that the
23 hearing be continued to August.

24 MS. BOTCHLET-SMITH: Do we have
25 questions from the Council?

7

1 MS. MYERS: Morris, I m just kind
2 of curious, I know we re going to continue
3 this, there s a lot of information here to

4 try to consolidate for somebody that hasn't
5 worked with it very much.

6 MR. MOFFETT: Right.

7 MS. MYERS: Does the Staff have a
8 feeling or a preference on the three
9 proposed methods?

10 MR. MOFFETT: I think they're
11 trying to stay with an open mind. Eddie,
12 do you have a --

13 MR. TERRILL: Yeah, that's the
14 reason we proposed really two radically
15 different methods; one, the state -- the
16 Federal Rule and then the STAPPA/ALAPCO
17 rule and then a hybrid, if the Council and
18 the regulated community and the citizens
19 feel like we need to do a hybrid rule then
20 we'd be glad to work with the effective
21 parties to do that.

22 In some states mercury is very much
23 a controversial and hot topic. It's not
24 been so much so in Oklahoma but that
25 doesn't necessarily mean there are folks

1 out there that don't have an opinion about
2 what we need to do with this rule. We've
3 got some time because EPA is still -- are
4 they still taking comments, Matt, or is
5 that period closed?

6 MR. PAQUE: No, I think they are
7 for another month or so.

8 MR. TERRILL: So EPA is still
9 trying to figure if they're going to stay
10 with the originally proposed rule or make
11 some modifications. So we're a little bit
12 ahead of the curve as far as timelines so
13 we thought we'd roll the two major
14 difference options out and see what
15 comments we get and then if there's a
16 necessary need to move with a totally
17 different rule all together, then we've got
18 some time to look at that too. We really
19 don't have our minds made up relative to
20 what we're going to recommend at all at
21 this point.

22 MR. PURKAPLE: Of course, if I
23 understood what you said correctly then if

24 you go with option three which is the
25 hybrid then that has to be completed by
9

1 November of this year?

2 MR. MOFFETT: They all have to be
3 completed by that time frame. I just put
4 that in there to try for a sense of urgency
5 and to -- it will mean a lot of work. It
6 is a small stakeholder group, I believe, on
7 the industry site, but I wanted to -- what
8 the EPA says about any other option is that
9 it would have to be at least as stringent
10 as CAMR and is still due on the same due
11 date.

12 MR. PURKAPLE: Thank you.

13 MR. CURTIS: Morris, I have a
14 question. What is the technology used to
15 remove the mercury?

16 MR. MOFFETT: There are several.
17 Coal cleaning to be one. On the front
18 side, before scrubbers. I think some of
19 the technologies that are used for NOx and
20 Sulfur have a co-benefit in mercury

21 reduction also.

22 MR. BRANECKY: Morris, let me

23 help with you on that. It really depends

24 on type of coal. For bituminous coal, the

25 scrubber removes mercury, but for the sub
10

1 bituminous, which is burned primarily in

2 Oklahoma, scrubber doesn't do you much good

3 because it's elemental mercury. Bituminous

4 is oxidized mercury. For elemental

5 activated carbon injection with a bag house

6 would be the way to go to remove the

7 mercury.

8 MR. TERRILL: The biggest

9 controversy really is the trading portion

10 of whether or not to allow trading. Some

11 states believe that trading promotes

12 regional hot spots because you'll have some

13 utilities that will not control because

14 you've got an allocation within each state.

15 So you could have one utility that elects

16 not to, depending on how we work this out.

17 Then others that will control to a greater

18 degree and whether or not that creates hot
19 spots is -- that s very -- it s a very
20 difficult question to answer.

21 One of the things that we re going
22 to -- or in the process of doing to help us
23 with that is we re establishing two mercury
24 deposition monitoring sites in the state
25 that will be part of the national network

11

1 and we re hoping to get some indication as
2 to whether or not we do have that issue.

3 Just because we may collect data that
4 indicates there is mercury deposition, that
5 doesn t necessarily mean that that s coming
6 from a local utility. It could be

7 deposition that s part -- there s so many
8 factors that figure into this that that s
9 what makes it very difficult to figure out

10 what s best and what s overkill because
11 this is a very expensive pollutant to
12 control and there s so much of a global

13 issue here, there s a lot of thought out

14 there that no matter what the United States

15 does because if you look at the overall
16 global emissions ours is a very small
17 amount of the global mercury pool. And if
18 you don't ask or require the other
19 countries to do the same things we're
20 asking our utilities to do then you may not
21 effect the overall global mercury
22 deposition to any great degree. And
23 there's some validity to that.

24 Then it becomes well, do we have a
25 regional issue? The great lake states do

12

1 because they've got very much vested in the
2 commercial fishing and they have a lot of
3 people that eat the fish and those water
4 bodies, they're mercury impaired and so it
5 is a big deal to them. And they may have
6 some issues that we don't have.

7 The downside to the collection that
8 we're starting, is it will take about five
9 years to establish a definitive trend but
10 we will be able to start getting some data
11 within the next year that will give us some

12 idea and at that point we can -- if we need
13 to adjust what we do, we can come back and
14 make that recommendation based on data as
15 opposed to supposition.

16 My opinion is that the biggest fear
17 about trading of mercury is that you open
18 up Pandora's Box for trading of this
19 particular toxic then everything else falls
20 into that. There will be a push to trade
21 other toxics as well. And I'm sort of
22 ambivalent at this point of whether or not
23 trading of mercury is a good idea or not.
24 I think there's as many good arguments that
25 it doesn't make any difference as there are

13

1 that it does but I can tell you that that's
2 one of the few toxics that I do feel that
3 way about. Most of them will create hot
4 spots if you do allow trading. And that is
5 an issue. We get into environmental
6 justice concerns and a lot of other issues
7 if you start trading other toxics. So I
8 think mercury is a little bit different

9 than most toxics in that regard.

10 But those are the kind of issues
11 that we were looking for comments on
12 because we will be probably trying to pass
13 this rule at the next Council Meeting.

14 MS. BOTCHLET-SMITH: Okay. I've
15 received two notices of oral comment.

16 Julia Bevers, if you'd step to the podium.

17 MS. BEVERS: Good morning, Madam
18 Chair, Members of the Council, and DEQ
19 Staff. I appreciate this opportunity to
20 make a few comments on the proposals, the
21 three options proposed for this item.

22 I'm making comments on behalf of the
23 electric utility group that will be
24 affected by this rule. The industry group
25 includes AES Shady Point, American Electric

14

1 Power, The Grand River Dam Authority, OGE
2 Energy Corp., and Western Farmers Electric
3 Co-op.

4 Our primary concern as I know you
5 all are aware, is to provide cost-effective

6 and dependable electricity to the citizens
7 of Oklahoma, which is balanced, of course,
8 with responsible care for public health and
9 the environment.

10 We have reviewed the three options
11 and we would just like to let the Council
12 know that we support Option One, to
13 incorporate the Federal Rule by reference.

14 There are several reasons for that.
15 I've got a lot of reasons I could go over,
16 I'd just like to present a few. Our
17 biggest concern I guess is that we hope
18 that at this meeting you'll decide to
19 select Option One because in order to move
20 forward on the specific details of each of
21 these options we need to do that.

22 I'm going to start with just a few
23 comments about why we don't support the
24 other options. Option Two is to adopt the
25 model rule that was issued by STAPPA/ALAPCO

15

1 it's already been discussed.

2 Our first concern with this model

3 rule is there is no demonstration that the
4 more stringent mercury reductions would
5 result in any health benefits beyond those
6 that will be produced from implementation
7 of the Federal Rule.

8 The hot spot question that Eddie
9 mentioned, I have done a lot of research on
10 that, there s one example that s been a
11 great example and that s the SO2 trading
12 program, that s the cap-and-trade program,
13 has resulted in no hot spots for sulfate
14 deposition.

15 The Electric Power plants emit a
16 relatively small portion of mercury that
17 deposits in the United States. On average
18 that s about two hundredths of a percent
19 per plant. So any one plant doesn t really
20 effect the overall deposition.

21 Third, the EPA does not expect
22 mercury to deposit locally near power
23 plants. To the extent mercury deposition
24 in the United States posses a public health
25 concern that s global in nature.

1 Methylmercury is the form of mercury that
2 is a neurotoxin. The coal-powered power
3 plants do not release methylmercury. Coal
4 plants emit other forms of mercury,
5 oxidized and elemental mercury. The
6 majority of the mercury emitted by coal
7 plants is the elemental form that tends to
8 stay in the atmosphere and does not deposit
9 locally.

10 And finally there s been modeling
11 conducted by EPA and the Electric Power
12 Research Institute to demonstrate that
13 mercury deposition will not increase in any
14 area as a result of the Federal Rule.

15 As Eddie pointed out in the future
16 there s so many -- with the Clean Air
17 Interstate Rule and all these other
18 controls happening right now, if in the
19 future modeling demonstrates that power
20 plants in Oklahoma do contribute to mercury
21 deposition in this state, that can always
22 be addressed by future rulemaking.

23 Another concern is the assumption
24 about controls. The assumption that a 90
25 to 95 percent mercury control at all plants
17

1 is technologically achievable is a concern
2 of ours.

3 There s optimistic claims by
4 researchers and vendors, an activated
5 carbon injection for coal-fired power
6 plants is really still in the initial
7 stages of development and testing.
8 Utilities need to make sure that a
9 technology will perform as advertised
10 before we risk any impact to our
11 reliability or increasing cost to
12 customers.

13 There is also concerns around
14 impacts of activated carbon injection on
15 combustion byproducts. If the coal ash can
16 not be sold or reused because of the
17 presence of the carbon, the cost of
18 problems of mercury can (inaudible)
19 increase substantially. And questions

20 remain about the impacts of halogenated
21 activated carbon on combustion byproducts.
22 There are side effects that are unknown
23 such as corrosion on structural components
24 of the plants. There s just a lot of
25 unknowns on the (inaudible, due to
coughing).

So in summary Option Two should not
be adopted. The earlier compliance states
18

1 emission limits and the lack of allowance
2 trading would be a disadvantage to Oklahoma
3 electric utilities and would result in an
4 increase in the cost of electricity to
5 Oklahoma customers. The flexibility that
6 the cap-and-trade program offers would be
7 lost. Companies would be forced to install
8 controls on all units regardless of useful
9 life expectancy and earlier compliance
10 states would require installing control
11 technology before it s really been proven.

12 The Third Option doesn t seem to be
13 considered too much by the state but I ll
14 briefly touch on that. Complete rewrite of

15 the Federal Rule would really put an
16 unnecessary burden on the DEQ Staff
17 resources and industry given the fact that
18 a rule has already been written. And it s
19 also based on another successful program,
20 the Acid Rain Program. So it s a tested
21 and successful program. And really there s
22 just not enough time. Just the feasibility
23 and rewriting from scratch.

24 So because we support Option One --
25 I just want to touch on a few more things.

We definitely support the cap-and-trade
option that provides mercury reductions
while providing electric utilities the

19

1 flexibility to achieve compliance that is
2 most cost effective. The life expectancy
3 of the units, cost of controls, changing
4 technology, the amount of reduction needed
5 for compliance are just some of the factors
6 that weigh in on a companies decision of
7 how compliance will be achieved.

8 EPA analysis indicate the

9 substantial reduction in mercury deposited
10 by utilities after full implementation of
11 the Clean Air, Interstate Rule and the
12 Clean Air Mercury Rule will not cause any
13 utility attributable exceedences of
14 methylmercury -- of EPA methylmercury water
15 criterion. And in Oklahoma we are not
16 aware of any objective data that
17 demonstrates that electric utilities in
18 Oklahoma contribute to exceedances of many
19 water quality criteria for methylmercury.

20 The last point on that I m going to
21 make is modeling results show that future
22 reduction in mercury deposition is greater
23 under the cap-and-trade rule. Emission
24 trading creates economic incentives, which
25 bring about the greatest reductions from
the highest emitting sources on a
nationwide basis. We ve also learned that
some states -- most states are in the

20

1 process of rulemaking now on the mercury
2 rule.

3 Some states that are planning to
4 incorporate by reference that we've heard
5 of most recently is Iowa, Florida,
6 Tennessee, West Virginia, Texas, and I just
7 read yesterday I believe North Carolina
8 have incorporation of reference as an
9 option, and these are all outstanding right
10 now.

11 Because of the time -- the short
12 time we have between the proposed options
13 and this meeting, we spent more of our
14 resources on trying to support Option One
15 versus getting into the details of
16 allocations that was requested in that
17 option. Just a few points that we do agree
18 on just in our preliminary discussions is
19 for allocations, the basis of distribution
20 of allowances should be on heat input
21 rather than power output and it should be
22 adjusted for the type of coal used.
23 Allocations we prefer to be permanent
24 rather than periodically updated, which the
25 Federal Rule allows either way, and then

1 the distribution of allowances should be
2 free as opposed to having an auction. And
3 I know you asked for more input than that
4 but that's as far as we got on the
5 specifics.

6 So in conclusion the affected
7 sources and I'm representing, as far as I
8 know, all of the affected sources in
9 Oklahoma (inaudible) the rule will affect -
10 - it's a small number but it's a
11 significant affect. So we just request
12 that you would select Option One as the
13 basis for the rule and then we offer our
14 assistance individually or as a group to
15 Staff to fine tune on the next step.

16 But thank you very much. Oh, do you
17 have any questions? Thank you.

18 MS. BOTCHLET-SMITH: I have
19 received a second notification of someone
20 wanting to comment but they have since
21 notified me that they no longer wish to
22 speak, I guess Julia covered their issues.

23 So do we have any questions from the

24 Council?

25 MR. PURKAPLE: Just a question
22

1 for understanding because I spent a little
2 time with this. But the control
3 technology, is it specified in the rule
4 what control technology is used? Was it
5 kind of like the BACT, there s an economic
6 cost per pound or ton of mercury reduction
7 that enters in the equation so that that is
8 included in the analysis?

9 MR. BRANECKY: I think there s
10 limited control technology for mercury
11 removal for bituminous coal with the
12 oxidized mercury the SO₂ scrubbers will
13 also remove the oxidized mercury. For the
14 elemental mercury, which we have in
15 Oklahoma, it s the activated carbon
16 injection bag house.

17 MR. PURKAPLE: So the rule
18 doesn t dictate what to use it just says
19 you ve got to do it?

20 MR. BRANECKY: Yeah.

21 MR. TERRILL: You ve got to meet
22 your allocated numbers by the certain
23 dates.

24 MR. CURTIS: Does anybody know if
25 there s any indication or informat

23

1 on on how far the mercury is transported?
2 We talk about it not being hot spots but
3 how far are we talking from a utility?

4 MS. BOTCHLET-SMITH: Could you
5 step back down?

6 MR. GROUND: My name is Howard
7 Ground with the Public Service Company of
8 Oklahoma and I decided not to comment
9 because I was going to come here and read
10 about 1,000 pages for you that outlines
11 pretty much that same thing, but actually I
12 won t.

13 Actually, the industry has done a
14 lot of study and EPA as well, we re really
15 relying on word by EPA, Electric Power
16 Research Institute, and other studies done

17 by Edison Electric Institute and really
18 mercury is found to be a global pollutant.
19 And approximately 70 percent of what s
20 coming into the United States is actually
21 from outside -- or 70 percent of the
22 mercury in the country is from outside our
23 borders. And less than one percent of
24 total global mercury is from U.S. power
25 plants. That s why we re not seeing a
24

1 ot spot issue.

2 In fact, I gave a copy of this to
3 the DEQ and this is in every study that
4 addresses many concerns that the industry
5 had. When we first started looking at this
6 in 2004, it talks about the hot spot issue,
7 the global balance of mercury, the origin
8 of mercury depositing in the United States,
9 observation of mercury coming from Asia,
10 which is the largest mercury emitter in the
11 world, how exposure to mercury might change
12 the utility controls of actually having to
13 (inaudible).

14 This goes through a broad range,
15 there s 15 different items addressed in
16 this one report, which the DEQ does have
17 and I can -- if you d like another copy or
18 actually to talk in detail about this,
19 we ve got a lot of detail, but it is very
20 complicated. And like Mr. Branecky said,
21 because of the form of mercury coming out,
22 the controls are very questionable.

23 But to get back to your original
24 question as far as the hot spot or what is
25 locally deposited, it is a global pollutant
25

1 and it s just ambiguous in the atmosphere.

2 MR. CURTIS: So if I understand
3 what you were just saying, even if we had a
4 99.9 percent of reduction in our mercury
5 emissions we may have just a little effect
6 on what s transported in the U.S.?

7 MR. GROUND: I think this says
8 99.65 percent. There s no effect
9 whatsoever in the United States.

10 MR. TERRILL: Bud, does that

11 include the bituminous coal as well?

12 Because my understanding is a bituminous

13 coal is a little bit different.

14 MR. GROUND: As far as controls?

15 MR. TERRILL: No. As far as the

16 potential for the creation of hot spots. I

17 know that the powder river coal is the type

18 that generally is thought that that

19 contributes to the global pool, but the

20 bituminous coal, that's a little bit

21 different type coal and it can have some

22 regional-type issues associated with that,

23 can it?

24 MR. GROUND: I don't know and

25 actually I didn't read it because really I

26

1 looked for sub-bituminous, but I don't

2 know that it's (inaudible) the coal times

3 when we looked at the hot spot issue. A

4 lot of what they did was on more of a, I'll

5 say, not global but across the United

6 States efforts to look at how hot spots --

7 how mercury was emitted where and modeling

8 done to determine if -- well, if you shut
9 off all controls -- I mean shut off all
10 power plants, if there would still be
11 mercury depositions and there was except
12 for in .4 percent of the places -- 4.4
13 percent of the land mass of the United
14 States had an actual, what looked like an
15 impact from electric utilities. And those
16 are those, like, in the very northeast.

17 MR. TERRILL: A lot of the hot
18 spot issues in the United States came from
19 incinerators. They did some work in
20 Florida where a lot of the mercury
21 deposited there were coming from
22 incinerators there, and then remove the
23 mercury from that waste stream did a lot to
24 help that issue.

25 But I still think there s some

27

1 question out there as to this issue of sub-
2 bituminous and bituminous, it s got so much
3 to do with the water body itself and the ph
4 of the water body and the sediments and

5 it s just a -- each one seems to be its own
6 set of circumstances and that s what makes
7 this such a difficult thing to look at and
8 that s the reason I think we -- that s the
9 reason we want to keep our options open. I
10 think Bud is right, the sub-bituminous that
11 we use that s burned for the majority here
12 in Oklahoma is the -- it goes in the global
13 pool. And there s not that much that we
14 contribute to the overall global pool if
15 you look at it in totality.

16 So I think there s going to be a lot
17 of information come out and I think there s
18 a better than good chance that EPA s going
19 to be sued on this rule anyway whenever it
20 becomes final because I m not convinced
21 they shouldn t have done a MACT standard
22 for this and so that s the reason we re
23 asking for this to be continued so that EPA
24 can finalize this and clarify it and see --
25 because everything could get pushed if they

28

1 get sued.

2 DR. LYNCH: So they re going to
3 get sued by people wanting (inaudible)?

4 MR. PAQUE: They ve already been
5 sued by several states and the action for
6 the state while EPA takes more comments.
7 And I guess the lawsuit says that EPA
8 should -- they feel like they should have
9 handled this rule under Section 112 rather
10 than 111 as a MACT, NESHAP.

11 MR. GROUND: And, fortunately, to
12 address that even if this covers that where
13 there s less than five percent difference
14 nationally between MACT, Maximum Achievable
15 and a cap-and-trade program. So it s a
16 very small difference.

17 MR. TERRILL: The MACT would
18 apply to all of them whereas you would have
19 a cap-and-trade with the other. So again
20 it goes back to the hot spot issue and
21 whether or not you believe that s a real
22 issue or not.

23 DR. LYNCH: It s hard for me to
24 imagine that with their current

25 administration that they would propose a
29

1 rule that would -- by these data have
2 essentially no effect.

3 MS. MYERS: But a lot of cost.

4 DR. LYNCH: A lot of cost. It s
5 hard to imagine that coming out of
6 Washington at this point in time, I can t
7 -- somebody must disagree --

8 MR. GROUND: Well, this started
9 before this Administration.

10 MR. TERRILL: Well, they had to
11 do something because they were under a
12 deadline to issue something under the MACT
13 rule. So that s the reason they had to do
14 something. They elected to do the CAMR as
15 opposed to going under 112. So it was a
16 Court requirement.

17 MR. GROUND: Thank you.

18 MS. BOTCHLET-SMITH: Any further
19 comments from the Council?

20 MR. BUTCHER: I ve got a comment.

21 MS. BOTCHLET-SMITH: I m sorry,

22 could you please step down here, please.

23 MR. BUTCHER: I m Gerald Butcher

24 with Western Farmers Electric and I just

25 wanted to refer the DEQ -- they haven t
30

1 seen it in the Federal Register, March 29,

2 2005, EPA states that they don t believe

3 that hot spots are a problem if CARE or

4 CAMR are implemented. And that was done in

5 2005 so I followed that up with a -- well,

6 I was at a meeting with the Director of the

7 Clean Air Markets Division, Office of Air

8 and Radiation, I asked him specifically,

9 and he said EPA has no evidence that hot

10 spots are a problem but they are remaining

11 -- they re keeping their eyes open to any

12 kind of new evidence. And I ll leave this

13 with somebody.

14 THE REPORTER: I ll just attach

15 it to the record.

16 MS. BOTCHLET-SMITH: Any other

17 questions or comments from the public?

18 Council?

19 DR. LYNCH: I just have one
20 question, your Staff might address it. I
21 guess under the trading program, some
22 people are going to try to -- some can
23 reduce theirs more and some can -- than
24 others and they re going to trade this. Do
25 you have any notion of who might try to
31

1 trade up or trade --

2 MR. TERRILL: No, we really don't
3 because it's a national program and as long
4 as you meet your allocations -- and for us
5 I think it's for the first year it's going
6 to be about 100 -- is that right?

7 MR. BRANECKY: First phase?

8 MR. TERRILL: Yeah, the first
9 phase.

10 MR. BRANECKY: Point 721 tons for
11 Oklahoma.

12 MR. TERRILL: Yeah, and that's
13 down from -- I was trying to figure out how
14 many pounds that is. It's about a ten
15 pound reduction. Ten or twenty pounds from

16 what we think we saw in 2003. But we re
17 only talking about -- I think we had 168
18 pounds of mercury statewide in 2003. So a
19 little bit of mercury goes a long way. But
20 we re talking about very small -- very
21 small emissions that are difficult to
22 control.

23 MR. BRANECKY: Under the SO2
24 program we trade in tons, under mercury we
25 will be trading in ounces.

32

1 MR. TERRILL: Yeah. That s what
2 we re talking about.

3 DR. LYNCH: I just can t imagine
4 the public uproar of a facility trying to
5 stay -- trying to trade-up or be able to
6 release more. I can t imagine anyone
7 wanting to take that heat whether there s
8 hot spots or not.

9 MR. BRANECKY: Well, that can be
10 an issue of trading -- or emitting more.
11 It will probably maintain at the same
12 level, you just won t reduce (inaudible).

13 So you won't be emitting any more. Because
14 a majority of our coal units at this point,
15 those are our base load units and we run
16 those pretty much all that we can. So I
17 don't think we can emit any more than
18 probably what we're doing now.

19 MR. TERRILL: And that is a good
20 point. I think we're not talking about
21 increases, it's so stabilized that we won't
22 get the reductions and as an Agency we've
23 got a commitment to do a lot better job of
24 evaluating our water bodies. And in the
25 process of doing that we've acquired

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1 equipment that will allow for a faster
2 turnaround and more samples and we're
3 making the commitment to do a lot more
4 flesh-based studies to determine whether or
5 not we do have an issue here in Oklahoma.
6 Because so far we really haven't seen any
7 issue with mercury on the testing that
8 we've done except for some sporadic hits
9 that we're trying to verify and then again

10 the testing that we re going to be doing,
11 the monitoring with our mercury deposition
12 monitors -- plus, the Cherokees have a site
13 in Stilwell and I believe there s also
14 another one in the northern part of the
15 state, so there ll be four mercury
16 deposition monitors here in Oklahoma
17 collecting data and if we do see that we
18 have a hot spot issue then it will be our
19 responsibility to try to identify what the
20 source is and work with them to correct
21 that.

22 MR. CURTIS: Eddie, I guess I
23 have just a general question. Do we feel
24 that the majority of the mercury deposition
25 is from incinerators and power plants?

34

1 Aren t there other sources of mercury that
2 may play a larger roll?

3 MR. TERRILL: It s possible.
4 Well, mercury is naturally occurring. And
5 there s a lot of thought that that s where
6 most of it comes from anyway. And then

7 there are other sources that are out there.
8 There s some cases going on in Michigan and
9 New York looking at other types of industry
10 that may be a lot bigger mercury source
11 than they thought. But, yeah, mercury does
12 come from a lot of different places and
13 that s the reason there s a national
14 initiative to try to get mercury switches
15 removed from automobiles before they go to
16 the junkyard and trying to get mercury out
17 of -- basically out of the waste streams
18 because people throw things away. We re
19 going to be working with the men here in
20 Tulsa to do a mercury exchange program
21 where folks can bring in their old mercury
22 thermometers in exchange for a digital one.
23 And then the problem we ve got there is
24 disposal of that mercury and those
25 thermometers because that s not cheap and

35

1 where do you go with that? You don t want
2 it to get -- you don t want to ship it
3 overseas where all they do is recycle and

4 it goes back in and ends up in the global
5 pool. So you want to eliminate it all
6 together and that s easier said than done.
7 But you re right, there are other sources
8 of mercury besides utilities and
9 incinerators. But they are the biggest
10 ones, I guess, besides the naturally
11 occurring.

12 MS. BOTCHLET-SMITH: Any other
13 questions?

14 MS. MYERS: At this point we need
15 a Motion to Continue this rule for the next
16 Air Quality Council Meeting.

17 MR. PURKAPLE: So moved.

18 MR. CURTIS: Second.

19 MS. MYERS: Myrna, could you call
20 roll, please.

21 MS. BRUCE: Gary Martin.

22 MR. MARTIN: Yes.

23 MS. BRUCE: Jerry Purkaple.

24 MR. PURKAPLE: Yes.

25 MS. BRUCE: Laura W

1 rthen.

2 MS. WORTHEN: Yes.

3 MS. BRUCE: David Branecky.

4 MR. BRANECKY: Yes.

5 MS. BRUCE: Bob Lynch.

6 DR. LYNCH: Yes.

7 MS. BRUCE: Bob Curtis.

8 MR. CURTIS: Yes.

9 MS. BRUCE: Rick Treeman.

10 MR. TREEMAN: Yes.

11 MS. BRUCE: Sharon Myers.

12 MS. MYERS: Yes.

13 MS. BRUCE: Motion passed.

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15 (End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

* * * * *

**TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY ADVISORY COUNCIL
OF PUBLIC HEARING ON ITEM NUMBER 4G
APPENDIX H. DE MINIMIS FACILITIES
APPENDIX I. INSIGNIFICANT ACTIVITIES LIST
APPENDIX J. TRIVIAL ACTIVITIES LIST
HELD ON APRIL 19, 2003, AT 9:00 A.M.
IN TULSA, OKLAHOMA**

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1 MEMBERS OF THE COUNCIL

2

3

SHARON MYERS - CHAIR

4

DAVID BRANECKY - VICE-CHAIR

5

BOB CURTIS - MEMBER

6

BOB LYNCH - MEMBER

7

GARY MARTIN - MEMBER

8

JERRY PURKAPLE - MEMBER

9

DON SMITH - MEMBER

10

RICK TREEMAN - MEMBER

11

LAURA WORTHEN - MEMBER

12

13

STAFF MEMBERS

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15 MYRNA BRUCE - SECRETARY

16 EDDIE TERRILL - DIVISION DIRECTOR

17 DR. JOYCE SHEEDY - AQD

18 MATT PAQUE - LEGAL

19 BEVERLY BOTCHLET-SMITH - AQD

20 PHILLIP FIELDER - AQD

21

22

23

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PROCEEDINGS

2

MS. BOTCHLET-SMITH: Okay. The

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next Item on the Agenda is Number 4G,

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Appendix H, De Minimis Facilities; Appendix

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I, Insignificant Activities (Registration)

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List; Appendix J, Trivial Activities (De

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Minimis) List. Dr. Joyce Sheedy will be

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giving the Staff presentation.

9

DR. SHEEDY: Madam Chair, Members

10

of the Council, ladies and gentlemen, the

11

Department proposes to revise Appendix H,

12

De Minimis Facilities; Appendix I,

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Insignificant Activities (Registration)

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List; and Appendix J, Trivial Activities

15

(De Minimis) List.

16

17 Appendix H, which we propose to
18 rename De Minimis Activities , is used
19 only in the minor facilities permitting
20 program in Subchapter 7. If a facility is
21 not subject to NSPS or NESHAPS and either
22 meets the definition of de minimis facility
23 in OAC 252:100-7-1.1 or if all the
24 pollutant emitting activities at the
25 facility are listed in Appendix H, the

4

1 facility can be deemed de minimis and will
2 not be required to obtain an air quality
3 permit, submit an emissions inventory form,
4 pay an annual fee, or comply with any Air
5 Quality Pollution rules except Subchapter
6 13 for open burning; Subchapter 23 for
7 cotton gin facilities; Subchapter 25 for
8 visible emissions and particulates.

9 Appendix I, which we propose to
10 rename Insignificant Activities List , is
11 used only with Part 70 sources in the Part
12 70 operating permit program in Subchapter
13 8. After a facility has been determined to

14 be a Part 70 source, individual emissions
15 units that are either on a list in Appendix
16 I that has been approved by the
17 Administrator or that meet the definition
18 of insignificant activities in OAC
19 252:100-8-2 and which are not subject to
20 any State or Federal applicable
21 requirement, need only be listed in the
22 Part 70 application.

23 Appendix J, which we propose to
24 rename Trivial Activities List , is used
25 only with Part 70 sources in the Part 70
5

1 operating permit program in Subchapter 8.
2 Trivial activities are emissions units that
3 are considered inconsequential and that are
4 on a list approved by the Administrator and
5 contained in Appendix J. Owners or
6 operators are not required to list trivial
7 activities in Part 70 permit applications.

8 Although we are presenting the
9 proposed revisions to these three
10 Appendices at the same time in today s

11 Council meeting, they are not dependent on
12 each other.

13 It was anticipated when these
14 Appendices were first compiled and made
15 part of Chapter 100 that they would be
16 revisited and appropriate changes would be
17 proposed based on the Staff's experience in
18 using the lists and on more accurate
19 emission factors and data if available. We
20 propose to reformat each Appendix so it
21 will be easier to use, to update activities
22 currently in each Appendix, to add some
23 activities to each Appendix and to delete
24 some activities from Appendices I and J.

25 The Appendices in the Council Packet

6

1 and available to the public at today's
2 meeting were prepared by striking out
3 language to be deleted and underlining new
4 language. This was done so that the
5 proposed changes would be immediately
6 apparent. However, when these Appendices
7 are forwarded to the Board, each Appendix

8 will be completely revoked with each work
9 stricken out and a new completely
10 underlined Appendix will be proposed.

11 Notice of the proposed rule changes
12 was published in the Oklahoma Register on
13 March 15, 2006, and comments were requested
14 from members of the public. The revisions
15 to the three Appendices were subsequently
16 available on the DEQ website.

17 We received a letter of comments
18 dated April 12, 2006, from EPA via FAX on
19 April 14, 2006 regarding the proposed
20 changes to Appendices H, I, and J. We
21 received comments from Angie Burckhalter of
22 OIPA by e-mail on April 14, 2006, regarding
23 Appendices H, I, and J. These comments are
24 included in the Summary of Comments And
25 Responses that has been given to the

7

1 Council and is available for the public at
2 this meeting. We also received a letter of
3 comments from Angie Burckhalter by e-mail
4 on April 17, 2006. In this letter

5 Ms. Burckhalter requested that a new
6 category for oil and gas exploration and
7 production be added to Appendices H and I.
8 The new category would allow certain
9 temporary activities associated with gas
10 and oil exploration and production to be
11 considered de minimis or insignificant for
12 a period of 120 days. The e-mail came too
13 late to be included in the Summary of
14 Comments and Responses, however, copies of
15 the letter have been given to the Council
16 and the comments will be given
17 consideration in revising these Appendices.

18 Since this is the first time the
19 proposed revisions to Appendices H, I, and
20 J have been presented to the Council, we
21 ask that the hearing be continued to allow
22 additional time for public comment.

23 Thank you.

24 MS. BOTCHLET-SMITH: Do we have
25 any comments from the Council on this rule?

1 MS. MYERS: I got a couple of

2 minor observations, if I may. On Appendix
3 H in the opening paragraph it refers to any
4 activity to which a source specific state
5 or federal applicable requirement applies
6 is not de minimis even if it is to be
7 included.

8 DR. SHEEDY: If it is included --

9 MS. MYERS: The "d" is left off
10 of included. It s just a grammar change.

11 Another one, another grammar change
12 in Appendix I under Part D equipment
13 listing down in Number 6 --

14 DR. SHEEDY: Which --

15 MS. MYERS: Appendix I.

16 DR. SHEEDY: Appendix I and under
17 the --

18 MS. MYERS: Under the "equipment
19 listing" under Subparagraph 6 it has any
20 last cleaning equipment, and it goes on
21 down through and it says "control equipment
22 venting such blast cleaning equipment", now
23 is that such as blast cleaning equipment or
24 is that -- I don t know what that means.

25 DR. SHEEDY: I will check this
9

1 out with the person who suggested we add
2 this.

3 MS. MYERS: Okay. I was just a
4 little bit confused on that.

5 DR. SHEEDY: It seems like it
6 might be read two different ways.

7 MS. MYERS: Yeah. And then under
8 combustion equipment I just need to be
9 enlightened a little bit, what is
10 commercial natural gas? Is that like
11 propane?

12 DR. SHEEDY: Well, natural gas to
13 me would be the natural gas that you would
14 get from ONG or some company that sells it
15 to -- through a pipeline that has a certain
16 sulfur -- hydrogen sulfite content.

17 MS. MYERS: Okay. I just wasn't
18 sure what -- if that needed to be defined,
19 I wasn't sure.

20 MS. WORTHEN: I think pipeline
21 grade is typically used.

22 DR. SHEEDY: Pipeline grade,

23 isn't that another term for the commercial

24 --

25 MS. WORTHEN: Commercial natura
10

1 gas.

2 DR. SHEEDY: Yes, I think it is.

3 MS. WORTHEN: Maybe, if we made

4 that --

5 DR. SHEEDY: Whoever defined this

6 term may want --

7 MS. MYERS: Joyce, you know I'm

8 easily confused. It's got to be kept

9 simple.

10 DR. SHEEDY: Okay. One of the

11 things that we left out, our comments from

12 industry about what people think should

13 change or be taken out and we've had some

14 comments from our Staff and we've made some

15 changes based on that, but we'd like to

16 hear from the stakeholders on this as well.

17 DR. LYNCH: I'm just curious

18 about how you came up with all these things

19 on this list. Brainstorming session or do
20 you start with a blank sheet of paper or do
21 you start with some sort of tried and true
22 program?

23 DR. SHEEDY: I think the Staff
24 started out brainstorming and then we had a
25 workgroup that consisted of Staff Membe
11

1 s and members of the industry and we set
2 down and went through -- I think we had
3 some kind of basic list that -- I m sorry
4 at this moment I can t tell you what it
5 was. On Trivial Activities I think we may
6 have looked at EPA s basic list, but as I
7 look at it now I don t know how much
8 attention we paid to it.

9 MR. PURKAPLE: Joyce, I have a
10 final question, on each one of these
11 Appendices in the very front part you added
12 the word source specific -- source
13 specific state or federal requirement .
14 What does the phrase, source specific ,
15 what is that intended to do or the nuance

16 of meaning change that we may not have
17 agreed to in the past or -- and I've got a
18 specific example maybe that I was thinking
19 of that might help, and I was looking at
20 the insignificant activities list. So if I
21 had a natural gas fired heater less than 10
22 million BTU s per hour and the emissions
23 were less than 5 tons, I've got a couple of
24 subchapters that could apply to that.

25 For example Subchapter 33 for NOx.
12

1 With this wording change, source specific
2 is -- help me here to understand whether or
3 not that heater now would be on the list or
4 off the list. Is Subchapter 33 a source
5 specific state rule now that would apply to
6 that or --

7 DR. SHEEDY: Let me (inaudible).
8 Phillip.

9 (Off-the-record comments)

10 MR. FIELDER: I'll do the best I
11 can to answer that. That one particularly
12 wouldn't because 33 wouldn't apply at a 10

13 million BTU power heater. But assuming it
14 did if you had that hydro source that
15 wasn't subject to another standard it -- we
16 were -- I think the way we interpret that
17 is a more applicable standard, NSPS
18 standard, a standard that would have an
19 enforceable requirement that would require
20 the facility to do something. We've been a
21 little bit flexible in how we apply that to
22 a particular unit. That's the best way I
23 can describe that.

24 MR. PURKAPLE: So is source
25 specific meant to amplify the meaning of
13

1 federal or did you really intend to be
2 source specific state as well?

3 MR. FIELDER: Source specific
4 state also. We would apply that to a state
5 standard also.

6 We have some standards such as the
7 -- I'm trying to think of a good example.
8 The best one I can think of is the tanks,
9 where a tank would have to have a downhill

10 pipe requirement. But that -- would this
11 become flexible with that? We say well,
12 with the downhill pipe as long as it
13 (inaudible) it is a source specific
14 requirement but we've been saying in those
15 cases it can still be accepted as an
16 insignificant activity based on the level
17 of emissions that you are (inaudible)
18 -- that you would look at that piece of
19 equipment with or without the control
20 equipment applied.

21 So it kind of defaults a little bit
22 back to the 5 ton per year which is the
23 basis really for insignificant activity. I
24 think that's the best way to review that.

25 MR. PURKAPLE: So it sounds like
14

1 you're flexible on this and perhaps the
2 best thing to do is engage in conversation
3 to try to figure out --

4 MR. FIELDER: Yeah, and if we
5 need to define it better maybe that's what
6 we need to do in the rule. I don't know

7 the best way to go but that s how we

8 addressed it in permits.

9 DR. SHEEDY: We may need to do a

10 little rewrite to make it more clear.

11 MR. PURKAPLE: I maybe the only

12 one, but I was a confused about what you

13 meant about "source specific state" as I

14 looked at the application of what was on

15 this list.

16 DR. SHEEDY: We ll look into that

17 and we may need to choose words that say

18 more about it.

19 MR. PURKAPLE: Okay. Just

20 another question under Appendix I, under

21 this it would be (d), Equipment (2), cold

22 degreasing operations. I think the

23 definition of Appendix H is a little bit

24 different and I didn t know whether for

25 consistency -- there's another coal

15

1 cleaning operation definition there or cold

2 degreasing, maybe I m confused.

3 DR. SHEEDY: They don t --

4 Appendix H and I don't have to be the same.

5 MR. PURKAPLE: Okay.

6 DR. SHEEDY: Appendix I is for --

7 just for Part 70 and they will have a

8 permit. It doesn't have anything to do

9 with whether or not they have a permit.

10 MR. PURKAPLE: And they don't --

11 Appendix -- excuse me, one last -- on

12 Appendix H, (f)(1) Coal degreasing non-

13 conveyORIZED. Does that mean something to

14 somebody? That's a curious term. I don't

15 know it.

16 DR. SHEEDY: Well, it looks like

17 we should have another parentheses there.

18 MR. PURKAPLE: What is non-

19 conveyORIZED?

20 DR. SHEEDY: Well, I think in

21 some, and I'm no expert on (inaudible), but

22 I think maybe sometimes they have conveyors

23 that move the stuff along and maybe they go

24 into the degreasing vapor or whatever and

25 then come out. That's what I would assume

1 and this kind doesn't have it.

2 MR. PURKAPLE: Okay.

3 MR. BRANECKY: Joyce, under
4 Appendix J, (O) miscellaneous Number (10),
5 you talk about paint mixing operations
6 located at retail paint, hardware, or
7 department stores. Is there such a thing
8 as a department store that has a Title V
9 permit?

10 DR. SHEEDY: Now you said this
11 was under --

12 MR. BRANECKY: J.

13 DR. SHEEDY: -- J. What Number?

14 MR. BRANECKY: For Title V, (O),
15 miscellaneous Number (10). I just didn't
16 understand. You talk about retail paint,
17 hardware, department stores. Are there
18 ones with Title V permits.

19 DR. SHEEDY: Well, that certainly
20 would be trivial.

21 MR. BRANECKY: I don't know. I
22 was just curious why that was --

23 DR. SHEEDY: Located at retail

24 paint, hardware, department stores.

25 MR. BRANECKY: It s a Title V --
17

1 DR. SHEEDY: That doesn t
2 particularly make any sense, does it?
3 Because I don t think -- in general -- you
4 might have something like that if it was
5 located at a plant that had a Part 70
6 permit, but a department store?

7

8 (Inaudible Conversations)

9 MR. BRANECKY: Okay. Thank you.

10 DR. SHEEDY: Okay. I ll check
11 that out.

12 MR. BRANECKY: And I assume
13 number 11, rifle and pistol ranges probably
14 would apply to, maybe, Ft. Sill that has a
15 Title V permit? Is that what we re talking
16 about?

17 MS. WORTHEN: Tinker.

18 MR. BRANECKY: Tinker.

19 MR. TERRILL: I think so. I

20 believe that s correct.

21 DR. SHEEDY: I think before this
22 list goes -- you know, we go to -- before
23 we send it to EPA we would have to be able
24 to justify everything that we put on here
25 and that it would not be the case in say
18

1 Appendix H that it wouldn't exceed the five
2 -- the limits that the definition has,
3 which would be 5 tons a year back
4 (inaudible) emissions and just 3 or 2 tons
5 a year perhaps. I've forgotten exactly
6 what it is, but we would need to justify
7 each item on it and that it would not
8 exceed the emissions in the -- the limits
9 in that emission.

10 And if we've got things like this
11 that doesn't seem to make any sense we need
12 to look it over and probably take them off.

13 MS. BOTCHLET-SMITH: Okay. I'm
14 sorry.

15 MS. MYERS: Go ahead.

16 MS. BOTCHLET-SMITH: Well, I've
17 got two from the public that wanted to talk

18 but if you wanted to go first.

19 MS. MYERS: No, I was just going

20 to make a comment based on Joyce s

21 comments, you re going to review all of

22 these before you bring it back again so

23 that we have something to look at?

24 DR. SHEEDY: Yes, that s our

25 intention. We didn t have -- we just ha
19

1 too many things going on, we didn t have

2 time to get all that done. But that s what

3 we plan to do before the next meeting in

4 July.

5 MS. BOTCHLET-SMITH: Okay. Don

6 Whitney, I believe would like to comment.

7 MR. WHITNEY: Our comments were

8 covered by OIPA. So I ll pass. Oil and

9 Gas exploration.

10 MS. BOTCHLET-SMITH: Okay.

11 Sharon Shelby.

12 (Reporter asks for clarification)

13 MS. SHELBY: I would like to

14 thank the Council for this opportunity.

15 The main comment that I have is on Appendix
16 I. And I think the intent of this rule is
17 to lessen the record keeping and the
18 reporting burden for the facilities for the
19 items that have been identified as
20 insignificant. So there is an asterisk
21 little comment on the bottom of Page 3 that
22 says for certain marked activities that you
23 have to keep records of hours, quantities,
24 capacities, to verify that the item is
25 insignificant.

20

1 And the proposal that we would make
2 would be that that demonstration could be a
3 one time demonstration, not necessarily a
4 yearly demonstration unless operating
5 activities or changes warrant that you
6 revise your demonstration. This would be
7 in keeping with the intent of the
8 insignificant activity to lessen the
9 recording and recordkeeping burden for the
10 facilities.

11 I guess for example on Page 2,

12 Number 3 and Number 5 you would use -- you
13 are insignificant if you use less than 53
14 tons of electrodes a year, it would -- we
15 maybe use 1,000 pounds total. But the way
16 this is worded since we -- it s an asterisk
17 item, we have to keep all the purchasing
18 records and follow all the electrodes. And
19 on Number 5 welding is under 200,000 tons
20 of steel. Unless we did a major plant
21 revision or a construction we would never
22 reach those types of numbers.

23 So if we could do a one time
24 demonstration for the file that we are
25 insignificant, that demonstration would
21

1 stand and it wouldn t have to be repeated
2 year after year.

3 DR. SHEEDY: We ll look at --
4 we ll consider that.

5 MS. BOTCHLET-SMITH: Any other
6 comments from the public?

7 MS. REED: Lynn Reed with ONEOK.
8 And I just have a comment or a question

9 about Appendix J, Trivial Activities for
10 Title V sources. And particularly
11 blowdowns, it s number -- or letter E. It
12 says emissions from the depressurization
13 from startup, shutdown, maintenance, or
14 emergencies.

15 Looks like this should be limited to
16 maintenance and should include all
17 maintenance, not just those due to
18 emergency circumstances. And emergencies
19 really ought to come out because that would
20 be covered under the upset rule. And so
21 this would be limited to maintenance and it
22 should be covered for both minor sources
23 and Title V sources.

24 DR. SHEEDY: Okay. Appendix J,
25 of course, is just for Title V.

22

1 MS. REED: Well, we need it in
2 both the Title V and the minor source as
3 well.

4 DR. SHEEDY: We ll consider it.

5 MS. REED: Thank you.

6 MS. BOTCHLET-SMITH: Any other
7 comments from the public? Comments from
8 the Council?

9 Sharon.

10 MS. MYERS: At this time I'll
11 entertain a Motion. I think the
12 recommendation is that we carry this
13 forward to the next Council Meeting in July
14 for all three of the Appendices.

15 We can do this as one Motion, Matt?
16 Okay.

17 MS. WORTHEN: So moved.

18 MS. MYERS: We have a Motion, do
19 we have a second?

20 MR. CURTIS: Second.

21 MS. MYERS: Myrna.

22 MS. BRUCE: Gary Martin.

23 MR. MARTIN: Yes.

24 MS. BRUCE: Jerry Purkaple.

25 MR. PURKAPLE: Yes.

23

1 MS. BRUCE: Laura Worthen.

2 MS. WORTHEN: Yes.

3 MS. BRUCE: David Branecky.

4 MR. BRANECKY: Yes.

5 MS. BRUCE: Bob Lynch.

6 DR. LYNCH: Yes.

7 MS. BRUCE: Bob Curtis.

8 MR. CURTIS: Yes.

9 MS. BRUCE: Rick Treeman.

10 MR. TREEMAN: Yes.

11 MS. BRUCE: Sharon Myers.

12 MS. MYERS: Yes.

13 MS. BRUCE: Motion passed.

14 MS. BOTCHLET-SMITH: That

15 concludes the hearing portion of today s

16 meeting.

17 Sharon, I ll turn it over to you.

18 MS. MYERS: At this point in time

19 we ll ask Eddie Terrill to give the

20 Division Director's Report.

21 MR. TERRILL: When is the EFO

22 Meeting? Do you remember?

23 MS. MYERS: Bud, when -- Eddie

24 just asked me when the next EFO Meeting is.

25 MR. TERRILL: When is that

1 regulatory update? June what? I was
2 looking for my calendar a minute ago and I
3 can't -- I must have left it in the car.

4 MR. GROUND: I think it's the
5 22nd, Eddie.

6 MR. TERRILL: The 22nd? I'd
7 remind folks that don't know that the
8 annual regulatory update that we do with
9 EFO where the Agency comes in and talks
10 about the session and some other things as
11 well -- it's the 22nd of June? It will be
12 the 22nd of June and we plan to talk about
13 -- and I'm looking for another topic or two
14 so if there's something that you all would
15 like to hear about and you're planning on
16 being there, I'd like to hear.

17 We're going to talk about our excess
18 emission malfunction rule. We've been
19 saying we're going to bring that back to
20 the Council as we said we would do when we
21 wrote the rule initially and we're probably
22 about a year behind doing that, but we're

23 going to try to bring that back to the
24 Council with some suggestions both from our
25 Staff and from the regulated entities

25

1 sometime in the fall and we re going to do
2 a presentation about that and give them a
3 little indication of where we re going to
4 be going with the rule.

5 We re going to do an update on our
6 policy of not issuing NOV s, going directly
7 to Consent Order based on the inspection
8 reports. Those of you -- there s a lot of
9 you who have already taken advantage of
10 that and we ve tweaked that policy a little
11 bit to clarify some things with regard to
12 the length of time you have to respond back
13 once you receive an inspection report and
14 that sort of thing. So we re going to talk
15 about that.

16 For about the tenth time we re going
17 to talk about self disclosures; what they
18 are and what they aren t.

19 And if there s anything else that

20 you would like to hear us talk about, let
21 me know. We've got another small topic
22 that we're thinking about doing, but I
23 don't think we're going to have an hour and
24 a half worth of talking out of those two
25 topics, and the things we've talked about
26

1 the last two or three years are still out
2 there, regional haze and some stuff like
3 that. But I don't feel like the folks
4 there want to be bored with it. They
5 probably even know more than they want to
6 know about it. So we're looking for
7 something a little bit fresh to take to the
8 meeting. So let us know if you've got
9 anything you'd like to hear about.

10 The only other thing I've got is
11 that we are moving into ozone season and
12 that's the reason we have our meeting here
13 in Tulsa and I think the kickoff will be
14 sometime in the middle of May. Again I
15 don't have it, I've got that on my
16 calendar. But they have kind of an

17 official thing here in Tulsa to mark the
18 beginning of ozone season and we ll be
19 working with the Metropolitan Transit
20 Authority to try to provide the free bus
21 rides this year. We re looking for a way
22 to fund that.

23 But this could be, even though we re
24 in good shape in Tulsa just like we are in
25 all of the state, this may be a very rough
27

1 year. We ve already gone 100 degrees in
2 places in Oklahoma and we ve already had
3 some values at some of our monitoring sites
4 that would be exceedence of the standard.
5 So if we don t have any rain and the
6 weather patterns continue like predicted,
7 this could be a test of the peoples'
8 willingness to do the voluntary things that
9 we ask them to do.

10 So those of you who live in Tulsa
11 will be doing some radio spots through
12 INCOG and some things like that. But this
13 could be a very pivotal year, I think, as

14 far as -- because these are three year
15 averages. We may have an unusual summer
16 and this may be a tough one for us. So
17 we ll be working with all of you all to try
18 to minimize that.

19 MS. MYERS: How did the wildfires
20 impact the monitors at the various
21 (inaudible due to coughing) across the
22 state?

23 MR. TERRILL: We did see some
24 impact relative to those. We didn t see an
25 exceedance of any of the standards but we
28

1 got close. That s the reason that our
2 Staff is working with the Department of Ag
3 to put together a Smoke Management Plan.
4 If you ve got an approved Smoke Management
5 Plan then if you have an exceedance at one
6 of your monitoring sites, it s based on
7 things that are beyond your control, and
8 even things that are within your control,
9 if you followed your plan then you get some
10 relief, if you will, from the requirements

11 of being a non-attainment -- or a potential
12 non-attainment by that exceedance. So we
13 think that's real important to get that
14 done.

15 But wildfires would fall under
16 exceptional events if they were truly --
17 wouldn't be foreseen. But EPA may take a
18 different view of that if there are ways it
19 could have been prevented and they just
20 didn't happen. So that's the reason we're
21 looking for a Smoke Management Plan.

22 MS. MYERS: What's the time frame
23 for you getting that complete?

24 MR. TERRILL: Hopefully by --
25 well we're starting -- well, we've done
29

1 some preliminary work. We're waiting
2 until the Legislative Session is over with
3 because they've got people that are working
4 in the session and so do we. So we're
5 probably looking at the fall would be my
6 guess.

7 Anybody got any questions? Thank

8 you all for coming.

9 MS. MYERS: Is there any other
10 new business?

11 MS. BRUCE: Sharon, this isn't
12 new business but I wanted to remind Council
13 that the Ethics Commissions forms are due
14 May 15th.

15 MS. MYERS: Okay. So if you all
16 haven't put those in yet, get it done.

17 Okay. Is there anything else?

18 Then I guess this concludes the
19 meeting. We'll see you guys in Oklahoma
20 City on July the 19th.

21 (End of Proceedings)

22

23

24

25

30

1

2 CERTIFICATE

STATE OF OKLAHOMA)

3

4) ss:
COUNTY OF OKLAHOMA)

5 I, CHRISTY A. MYERS, Certified Shorthand Reporter in and
6 for the State of Oklahoma, do hereby certify that the above
7 proceedings is the truth, the whole truth, and nothing but the
8 truth; that the foregoing proceedings were tape recorded and taken
9 down in shorthand by me and thereafter transcribed under my
10 direction; that said proceedings were taken on the 19th day of
11 April, 2006, at Tulsa, Oklahoma; and that I am neither attorney for
12 nor relative of any of said parties, nor otherwise interested in
13 said action.

14 IN WITNESS WHEREOF, I have hereunto set my hand and
15 official seal on this, the 1st day of May, 2006.

16 _____
17 CHRISTY A. MYERS, C.S.R.
 Certificate No. 00310