

**MINUTES**  
**AIR QUALITY COUNCIL**  
**January 20, 2010**  
**Multipurpose Room**  
**707 North Robinson**  
**Oklahoma City OK**

**To EQBoard 2-26-10**  
**APPROVED AQC**  
**April 21, 2010**

**Notice of Public Meeting** The Air Quality Council convened for its regular meeting at 9:00 a.m. on January 20, 2010, at 707 North Robinson, Oklahoma City, 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 3, 2010. Agendas were posted at 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. Laura Lodes, Chair, called the meeting to order. Ms. Bruce called roll stating that a quorum was present.

**MEMBERS PRESENT**

David Branecky  
Montelle Clark  
Gary Collins  
Laura Lodes  
Bob Lynch  
Jim Haught  
Sharon Myers  
Pete White

**DEQ STAFF PRESENT**

Eddie Terrill  
Beverly Botchlet-Smith  
Scott Thomas  
Cheryl Bradley  
Rob Singletary

**DEQ STAFF PRESENT**

Diana Hinson  
Brooks Kirlin  
Nancy Marshment  
Kendal Stegmann  
Dawson Lasseter  
Myrna Bruce

**OTHERS PRESENT**

David Griesel, EQBoard  
Christy Myers, Court Reporter

**MEMBERS ABSENT**

Vacancy

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

**Election of Officers** – Ms. Laura Lodes opened the floor for nominations for Chair and Vice-Chair for Calendar Year 2010. Mr. Branecky moved that Ms. Lodes remain as Chair and nominated Mr. Jim Haught be Vice-Chair. Ms. Myers made the second.

*Transcript pages 4 - 5*

David Branecky	Yes	Bob Lynch	Yes
Sharon Myers	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
Jim Haught	Abstain	Laura Lodes	Yes

**Approval of Minutes - April 15, 2009 Regular Meeting and October 21, 2009 Regular Meeting** Ms. Lodes called for a motion to approve both sets of Minutes. Mr. Branecky moved to approve and Ms. Myers made the second.

*Transcript pages 5 - 7*

David Branecky	Yes	Bob Lynch	Yes
Sharon Myers	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
Jim Haught	Yes	Laura Lodes	Yes

**OAC 252:100-17. Incinerators, Part 1 and Part 3 [AMENDED]**

**Appendix A. Allowable Emissions for Incinerators with Capacities in Excess of 100 lbs/hr [REVOKED]**

**Appendix A. Allowable Particulate Matter Emission Rate for Incinerators [NEW]**

**Appendix B. Allowable Emissions for Incinerators with Capacities less than 100 lb/hr [REVOKED]**

Ms. Diana Hinson, staff representative, advised that the proposal would amend Parts 1 and 3 of OAC 252:100-17, Incinerators, to remove obsolete language and clarify the remaining provisions. In addition, the Department is proposing to revoke Appendix A, Allowable Emissions for Incinerators with Capacities in Excess of 100 lb/hr; and Appendix B, Allowable Emissions for Incinerators with Capacities Less than 100 lb/hr. The current provisions of both appendices are proposed to be combined into a new Appendix A, Allowable Particulate Matter Emission Rate for Incinerators. Ms. Hinson explained that staff proposed alternative language for Part 3 for Council's consideration. Ms. Lodes called for a motion. Mr. Branecky moved to adopt the alternative proposal as presented with the revocation of Appendix A and B and a new Appendix A. Mr. Haught made the second.

*Transcript pages 8 - 13*

David Branecky	Yes	Bob Lynch	Yes
Sharon Myers	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
Jim Haught	Yes	Laura Lodes	Yes

**OAC 252:100-17. Incinerators, Part 4 [NEW]** Ms. Diana Hinson, staff representative, advised that the proposal would add a new Part 4, Biomedical Waste Incinerators, to Subchapter 17, Incinerators. The new part will incorporate the Best Available Control Technology for this type of incinerator originally established under the authority of Subchapter 41, Control of Emission of Hazardous and Toxic Air Contaminants, which was revoked in 2007. The addition of Part 4 would reestablish the Department's authority to require design and emission standards for biomedical waste incinerators and close a regulatory gap in Part 7 of Subchapter 17. Ms. Hinson explained that further consideration is being given in order to make additional clarifications regarding the performance standard; therefore, the Department suggested that Council continue the proposal until the next meeting. Following discussion, Ms. Lodes called for a motion to continue the hearing. Ms. Myers made the motion and Mr. Collins made the second.

*Transcript pages 18 - 28*

David Branecky	Yes	Bob Lynch	Yes
Sharon Myers	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
Jim Haught	Yes	Laura Lodes	Yes

**OAC 252:100, Appendix Q. Incorporation By Reference [REVOKED]**

**OAC 252:100, Appendix Q. Incorporation By Reference [NEW]**

Ms. Nancy Marshment, staff representative, advised that the proposal would update Appendix Q, Incorporation By Reference, to incorporate by reference the latest changes to U.S. Environmental Protection Agency regulations. Ms. Marshment identified the changes in the proposal. Hearing no comments, Ms. Lodes called for a motion. Mr. Collins made motion to adopt the proposal to update the rules for the Incorporation by Reference. Mr. Branecky made the second.

	<i>Transcript pages 32 - 38</i>			
David Branecky	Yes	Bob Lynch	Yes	
Sharon Myers	Yes	Montelle Clark	Yes	
Gary Collins	Yes	Pete White	Yes	
Jim Haught	Yes	Laura Lodes	Yes	

**Presentation on EPA’s proposed sulfur dioxide ambient standards, and OAC 252:100-31. Control of Emission of Sulfur Compounds** - Brooks Kirlin, Professional Engineer, DEQ Air Quality Division provided a PowerPoint presentation. A copy of the presentation is attached.

**Division Director's Report** – Mr. Terrill related several items:

- Reminded everyone to periodically look at the “What’s New” section on the DEQ Air Quality web page
- Ozone update
- Reconsidering lead standard
- Comments on greenhouse gas tailoring rule
- Submission of Emissions Inventory electronically
- Director’s Report will be recorded but no longer be a part of the official transcript
- Gave an update on regional haze
- Advised that SIP would be out by end of the month
- Beverly Botchlet-Smith provided an update on the Title IV audit requested by the Council
- Council Budget Committee volunteers were Laura Lodes, Jim Haught, David Branecky, and Gary Collins if a fourth is necessary
- Dr. Lynch discussed the grant he has for mercury sampling

**New Business** - Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

**Adjournment** – Ms. Lodes adjourned the meeting adjourned at 10:25 p.m. The next regular meeting is scheduled for Wednesday, April 21, 2010, in Tulsa, Oklahoma.

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

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE  
AIR QUALITY COUNCIL MEETING  
HELD ON JANUARY 20, 2010, AT 9:00 A.M.  
IN OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

MYERS REPORTING SERVICE  
Christy Myers, CSR  
P.O. Box 721532  
Oklahoma City, Oklahoma 73172-1532  
(405) 721-2882

MEMBERS OF THE COUNCIL  
DAVID BRANECKY, MEMBER  
LAURA LODES, CHAIR  
JIM HAUGHT, VICE-CHAIR  
PETE WHITE, MEMBER  
SHARON MYERS, MEMBER  
MONTELLE CLARK, MEMBER  
GARY COLLINS, MEMBER  
ROBERT LYNCH, MEMBER  
DEQ STAFF

MYRNA BRUCE  
BEVERLY BOTCHLET-SMITH  
EDDIE TERRILL  
CHERYL BRADLEY  
NANCY MARSHMENT  
DIANA HINSON  
ROBERT SINGLETARY

PROCEEDING

MS. LODES: Let's go ahead and start the meeting. Myrna, will you call the roll.

MS. BRUCE: Good morning. Happy New Year.

David Branecky.

MR. BRANECKY: Here.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Gary Collins.

MR. COLLINS: Here.

MS. BRUCE: Jim Haught.

MS. HAUGHT: Here.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Here.

MS. BRUCE: Montelle Clark.

MR. CLARK: Present.

MS. BRUCE: Pete White.

MR. WHITE: Here.

MS. BRUCE: Laura Lodes.

MS. LODES: Here.

MS. BRUCE: We have a full quorum. Well, we do have a vacancy, sorry.

A vacancy, but everyone else.

MR. LODES: The first item on today's Agenda would be the Election of Officers. I'm going to open it up for nominations.

MR. BRANECKY: I would like to move that Laura Lodes remain as Chair and I would like to nominate Jim Haught to be Vice-Chair.

MS. MYERS: I'll second that motion.

MS. LODES: We have a motion and a second. Myrna, will you call the roll.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Gary Collins.

MR. COLLINS: Yes.

MS. BRUCE: Jim Haught.

MR. HAUGHT: I'll abstain.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Yes.

MS. BRUCE: Montelle Clark.

MR. CLARK: Yes.

MS. BRUCE: Pete White.

MR. WHITE: Yes.

MS. BRUCE: Laura Lodes.

MS. LODES: I'm not above voting for myself, so yes.

MS. BRUCE: That motion did pass.

MS. MYERS: Congratulations.

MR. LODES: Thank you.

MR. TERRILL: By the way, before we move on I will mention that we do have another Council Member that has been appointed by the Governor to fill out Jerry Purkable's term. And Dave Gamble with ConocoPhillips will be at the next meeting. We got the notice last week -- last Wednesday, I think. That was too late for him to make arrangements to be here, so we do have a full Council and we should have a full crew when we go to Tulsa in April.

MS. LODES: The next item on today's Agenda is the Approval of the Minutes.

Oh, we have two sets of Minutes. We have the April Minutes and the October Minutes.

Do we have a motion? Comments?

MR. BRANECKY: Are we approving both at the same time? Does it make any difference?

MS. LODES: Doesn't make any difference.

MR. BRANECKY: All right. I'll move that we approve both the April 15, 2009 and the October 21, 2009 Minutes.

MS. MYERS: I'll second it.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Gary Collins.

MR. COLLINS: Yes.

MS. BRUCE: Jim Haught.

MR. HAUGHT: Yes.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Yes.

MS. BRUCE: Montelle Clark.

MR. CLARK: Yes.

MS. BRUCE: Pete White.

MR. WHITE: Yes.

MS. BRUCE: Laura Lodes.

MS. LODES: Yes.

MS. BRUCE: Motion passed.

MS. BOTCHLET-SMITH: Okay. We'll begin the hearing now. Good morning. I'm Beverly Botchlet-Smith. I'm the Assistant Director of the Air Quality Division and as such I'll serve as the Protocol Officer for today's hearings. The hearings will be convened by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act in Title 40 of the Code of Federal Regulations, Part 51, as well as the authority of Title 27A of the Oklahoma Statutes, Section 2-2-201, Sections 2-5-101 through 2-5-118.

Notice of the January 20, 2010 hearings were advertised in the Oklahoma Register for the purpose of receiving comments pertaining to the proposed OAC Title 252 Chapter 100 rules as listed on the Agenda and will be entered into each record along with the Oklahoma Register filing. Notice of meeting was filed with the Secretary of State on December 3, 2009. The Agenda was duly posted 24 hours prior to the meeting at this facility here at the DEQ.

If you wish to make a statement, it is very important that you complete one of the forms that is found at the registration desk and you will be called upon at the appropriate time and at that time, we'd ask for you to come to the podium to make your statement. Audience members please remember to state your name before your comments.

At this time, we will proceed with what's marked as Agenda Item Number 5A on the Hearing Agenda. And this is OAC 252:100-17 Incinerators, Part 1 and Part 3. And Ms. Diana Hinson will give our staff presentation.

MS. HINSON: Good morning, Ms. Chairman, Members of the Council, ladies and gentlemen. I am Diane Hinson, an Environmental Program Specialist in the Rules and Planning Section of Air Quality in the Department of Environmental Quality.

The Department is proposing to amend Parts 1 and 3 of OAC 252:100-17, Incinerators, to remove obsolete language and clarify the remaining provisions.

In addition, the Department is proposing to revoke Appendix A, Allowable Emissions for Incinerators with Capacities in Excess of 100 pound per hour;

and Appendix B, Allowable Emissions for Incinerators with Capacities less than 100 pounds per hour.

The current provisions of both appendices are proposed to be combined into a new Appendix A, Allowable Particulate Matter Emissions Rate for Incinerators. Notice of the proposed rule changes was published in the Oklahoma Register on December 15, 2009 and comments were requested from members of the public. Comments were received by email on October 20, 2009 from EPA.

On January the 15th, 2010, EPA submitted a letter stating they had no additional comments. Due to concerns, staff has prepared an alternative of Part 3 for consideration by the Council. This clarification reflects the language in the Code of Federal Regulations and effects the definition of the secondary combustion chamber in the section in which this term appears.

In your packet you will have a copy of the alternative.

And it reads: 252:100-17-2.2, Definitions. Secondary Combustion Chamber means a component of the general purpose incinerator that receives combustion gases from the primary combustion chamber and in which the combustion process is completed.

In addition to this change some superfluous language was removed in 252:100-17-5, Incinerator Design and Operation Requirements, which reflects the alternative definition.

This is the third time that the Council has been notified of this proposed revision. No substantive changes have been made. The Department suggests that the Council consider voting to send the proposal with the alternative language to the Environmental Quality Board with the recommendation that it be adopted as a permanent rule.

MS. BOTCHLET-SMITH: We will now take questions from the Council for Ms. Hinson. Do we have any questions or comments? Are you all still looking? Okay. We'll take a second.

While we are giving the Council just a minute to review this, I've just been notified that we didn't get these Notice of Comments out on the table. So for today, if anyone wishes to speak I'm just going to call on you from the audience, so if you'll just raise your hand. And then if you do, just for our record if we can get you to fill one of these out, it just makes it a little bit easier for the Court Reporter if we have it in writing too.

Okay. Any questions from the Council? Hearing none, at this time is there anyone in the audience that has a question for Ms. Hinson or a comment on this rule?

And hearing none, there as well, Laura, do you want to call for a motion?

MS. LODES: Do we have a motion?

MR. BRANECKY: I do have one question at this point. Can I?

MS. LODES: Yes.

MR. BRANECKY: I just want to sure I understand, in the alternative that that word "Alternative" can be removed from the text?

MS. HINSON: That is correct. I just wanted to make it clear to you that was an alternative proposed.

MR. BRANECKY: All right.

MS. LODES: Any other questions?

Do we have a motion?

MR. BRANECKY: I move that we adopt the alternative proposal as presented to us for the revisions to Subchapter 17 Part 1, presented to us this morning. In addition, the Appendices, Appendix A and B?

MS. HINSON: That is correct.

MR. BRANECKY: The revocation of A and B, with the new A by itself (inaudible).

MS. LODES: Do we have a second?

MR. HAUGHT: I'll second that.

MS. LODES: Myrna, will you call the roll, please.

MS. BRUCE: David Branecky.  
MR. BRANECKY: Yes.  
MS. BRUCE: Sharon Myers.  
MS. MYERS: Yes.  
MS. BRUCE: Gary Collins.  
MR. COLLINS: Yes.  
MS. BRUCE: Jim Haught.  
MR. HAUGHT: Yes.  
MS. BRUCE: Bob Lynch.  
DR. LYNCH: Yes.  
MS. BRUCE: Montelle Clark.  
MR. CLARK: Yes.  
MS. BRUCE: Pete White.  
MR. WHITE: Yes.  
MS. BRUCE: Laura Lodes.  
MS. LODES: Yes.  
MS. BRUCE: Motion passed.  
(End of Item 5A)

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE AIR QUALITY COUNCIL  
OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

COUNCIL MEMBERS

DAVID BRANECKY, MEMBER  
LAURA LODES, CHAIR  
JIM HAUGHT, VICE-CHAIR  
PETE WHITE, MEMBER  
SHARON MYERS, MEMBER  
MONTELLE CLARK, MEMBER  
GARY COLLINS, MEMBER  
ROBERT LYNCH, MEMBER  
DEQ STAFF

MYRNA BRUCE  
BEVERLY BOTCHLET-SMITH  
EDDIE TERRILL  
CHERYL BRADLEY  
NANCY MARSHMENT  
DIANA HINSON

PROCEEDING

MS. BOTCHLET-SMITH: The next item on the Agenda is Number 5B. This is OAC 252:100-17 Incinerators Part 4. And Ms. Diane Hinson will also give the staff presentation for this rule.

MS. HINSON: Once again, good morning. The Department is proposing to add a new Part 4, Biomedical Waste Incinerators, to Subchapter 17, Incinerators. The new part will incorporate the Best Available Control Technology for this type of incinerator originally established under the authority of Subchapter 41, Control of Emission of Hazardous and Toxic Air Contaminants, which was revoked in 2007.

In addition, the Department has identified regulatory gaps in Subchapter 17, Part 7, Hospital, Medical and Infectious Waste Incinerators, when

pathological waste, low-level radioactive waste, and chemotherapeutic waste is incinerated. The addition of Part 4 will reestablish the Department's authority to require design and emission standards for biomedical waste incinerators and close the regulatory gap in Part 7 of Subchapter 17. Notice that the proposed rule change was published in the Oklahoma Register on December 15, 2009 and comments were requested from members of the public. Comments were received by email on October 20, 2009 from EPA. EPA submitted a letter stating they had no additional comments on January 15, 2010. This is the third time the Council has been notified of the proposed revision. Further consideration is being given in order to make additional clarifications regarding the performance standard. Therefore, the Department suggests continuing the proposal until the next meeting.

Thank you.

MS. BOTCHLET-SMITH: Do we have any questions or comments from the Council for Ms. Hinson?

MR. BRANECKY: What do we need to further clarify?

MS. HINSON: The performance standard right now and what we're trying to do is streamline the definition to reflect what it says in the Federal Regulations. And we're wanting to further consider how we are going to state that.

MR. BRANECKY: Do we have any biomedical waste incinerators currently in the state?

MS. HINSON: We do have one. Its name is Steracycle.

MR. BRANECKY: Is that the one in Stroud?

MS. HINSON: Yes, it is.

MS. MYERS: I've got a questions on the section referring to particulate matter. The .08 grains per dry standard cubic foot corrected to 12 percent is carbon dioxide?

MS. HINSON: Yes.

MS. MYERS: Is that normal for this type of operation?

MS. HINSON: Yes, it is. And that's what's reflected in the Federal Regulations.

MS. MYERS: Okay.

MS. LODES: It says that this applies to a new or existing biomedical that is not subject to -- for requirements of Part 7, are exempted from the requirements of Subpart EC for anesthesia's???. And so you're trying to make this so if they are exempted from anesthesia or are you making it to make them go ahead and comply with NSPS?

MS. HINSON: Yes.

MS. LODES: Is that what we're doing here?

MS. HINSON: Yes.

MS. BRADLEY: Actually the standards were developed prior to the enactment of the NSPS and were based on -- in part Subchapter 41, which was revoked in 2000 -- well some years ago.

What we are attempting to do is we realize that the sources that weren't subject to NSPS or weren't subject to our state rule Part 7, were not adequately covered under our general incinerator provisions. We had one existing source which had been permitted under our former state on the toxics rules and we were taking the requirements that were reflected in the permit there and using them as a model for the biomedical waste incinerators. They're -- so there really was a gap. NSPS would not -- does not apply to these sources. And we are not requiring additional controls under the Part 4, Ms. Lodes. We are requiring them to meet an initial standard that was established to be appropriate under an evaluation for toxic emissions. And that particular analysis was conducted jointly to address the concerns of the Land Protection Division when they were developing appropriate regulations to address biomedical waste disposal as well as the air emission concerns. So that's sort of a long way -- we're not finding another way in order to apply

the NSPS to these sources. We are applying state developed standards that we have determined were appropriate for this type of waste, but not requiring additional controls.

MS. LODES: Thank you.

MR. HAUGHT: I have another question. Do the larger hospitals in the state here tend to use commercial disposal options or do they have incinerators on site that would fall under this regulation?

MS. BRADLEY: Diana, would you like for me to answer that?

MS. HINSON: Yes, please. I think you're a little bit more clear on the history.

MS. BRADLEY: I had worked on the hospital incinerator rules some time ago and as a result of EPA's promulgation of the hospital incinerator rules, every hospital in Oklahoma chose to close its incinerator. We then -- for the most part the waste is -- does not fall into the categories that we're attempting to address in this biomedical incinerator rule. That waste is primarily plastic and paper. The primary method for treating that waste in Oklahoma is the Autoclave. But there is some waste that is not appropriately disposed of. It's sterilized and then disposed of in a landfill. That waste needs to be incinerated and most of the hospitals now use some commercial service; either Steracycle service or another service located out of state to dispose of their waste.

MR. WHITE: I checked with the 18:47 Oklahoma Hospital Associate and asked them, and they knew of no Oklahoma City -- Oklahoma hospitals that have an incinerator like this. They didn't think that there were any.

MR. HAUGHT: Yeah. I think they did at one point or some of them did at one point and that's why -- I just want to be concerned they were advised of this and if there were any and so that's good to know that there aren't.

MS. BRADLEY: Initially there were approximately 30 hospitals. And I spoke with representatives from each hospital that we were aware of as we were implementing the hospital incinerator rule. And because of the cost of doing the testing and the training and meeting the training requirements every hospital without exception decided to discontinue using their on-premises incinerator. Secondly to that, the Department also sent a representative from our Division out to confirm that each of the units had been disabled in some way -- permanently disabled so they couldn't be used, so we did not embark?? on them notification of the hospitals because we didn't feel that this sector was actually going to be impacted.

MR. BRANECKY: I have one more question. The Title Part 4, Biomedical waste Incinerators down in 252:100-17-11, emission limits, it talks about emissions from medical waste incinerators. Is there a difference in the medical waste and the biomedical waste incinerator? Do we need to -- does that need to be biomedical waste or is there (inaudible)?

MS. HINSON: What section was that, again?

MR. BRANECKY: 252:100-17-11, Emission Limits. It says emissions from any medical waste incinerator. Does it make a difference if it's just a medical versus biomedical? I'm just -- I don't know. I'm asking.

MS. HINSON: Right. I think that that is something we do need to take into consideration and when we re-present that -- MR. BRANECKY: Because the intent of this chapter is biomedical waste?

MS. HINSON: That's right.

MR. BRANECKY: So maybe we just need to make that any biomedical waste incinerator.

MS. HINSON: Right. So that it's --

MR. BRANECKY: To keep --

MS. LODES: I assume like the hospitals, that the Universities have also shut down there incinerators or do they have biomedical incinerators?

(Inaudible) or they just don't have them anymore?

MS. BRADLEY: Yes. They discontinued and they were part of our initial inventory so they were contacted and actually we -- participated in some initial meetings and briefings so they were well aware of it.

MS. LODES: I just remember using the one at OU when I was on the Norman Campus. At one point in time there was one.

MS. BRADLEY: I believe the industry has made it cost effective and much more convenient to allow somebody else to handle the waste of them. The primary reason for discontinuing was the requirement to do dioxin testing and it's very expensive. And it would take -- it was difficult to justify for the hospital managers and the universities to continue operations.

MS. BOTCHLET-SMITH: Do we have any further questions from the Council? What about questions from the public? Anyone have a question or a comment? Hearing none, if the Council doesn't have further questions, Laura, do you want to call for a motion?

MS. LODES: DEQ has recommended that we carry this forward. Do we have a motion?

MS. MYERS: I so move.

MS. LODES: Do we have a second?

MR. COLLINS: Second.

MS. LODES: We have a motion and a second. Myrna, will you call the roll.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Gary Collins.

MR. COLLINS: Yes.

MS. BRUCE: Jim Haught.

MR. HAUGHT: Yes.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Yes.

MS. BRUCE: Montelle Clark.

MR. CLARK: Yes.

MS. BRUCE: Pete White.

MR. WHITE: Yes.

MS. BRUCE: Laura Lodes.

MS. LODES: Yes.

MS. BRUCE: Motion passed.

(End of Item 5B)

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE AIR QUALITY COUNCIL  
HELD ON JANUARY 20, 2010, AT 9:00 A.M.  
ITEM 5C  
IN OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

COUNCIL MEMBERS

DAVID BRANECKY, MEMBER  
LAURA LODES, CHAIR  
JIM HAUGHT, VICE-CHAIR  
PETE WHITE, MEMBER  
SHARON MYERS, MEMBER  
MONTELLE CLARK, MEMBER  
GARY COLLINS, MEMBER  
ROBERT LYNCH, MEMBER  
DEQ STAFF

MYRNA BRUCE  
BEVERLY BOTCHLET-SMITH  
EDDIE TERRILL  
CHERYL BRADLEY  
NANCY MARSHMENT  
DIANA HINSON

PROCEEDING

MS. BOTCHLET-SMITH: Okay. The next item on the Agenda is 5C. This is OAC 252:100, Appendix Q, Incorporation by Reference.

And Ms. Nancy Marshment will give the staff presentation.

MS. MARSHMENT: Good morning Madam Chair, Members of the Council, ladies and gentlemen. My name is Nancy Marshment and I am an Environmental Programs Specialist with the Air Quality Division. The Department is proposing to revoke the current Chapter 100, Appendix Q, Incorporation by Reference, and adopt a new Appendix Q. This proposal is part of the annual update of Title 40, Code of Federal Regulations, Incorporations by Reference in Chapter 100.

The update will incorporate those federal regulations listed in Appendix Q as they existed on December 10, 2009, and any amendments to standards listed will be incorporated.

On the new Appendix Q that was enclosed in your packet, you may have noticed that the list of IBRs in the appendix has been rearranged. This was done to reflect the order in which the subparts appear in the Code of Federal Regulations. We hope that will make it easier for everyone to read and follow.

In your folder that is on your table is a copy of Appendix Q highlighting the changes and additions and that's the old version. Staff felt that this unofficial version with all changes clearly identified would be helpful for discussion purposes, since the proposed new appendix does not show the changes.

The Oklahoma Administrative Rules on Rulemaking dictate this procedure of revoking the old and creating an entirely new appendix.

Staff proposes to remove Appendix S to 40 CFR, Part 51 from the list of federal regulations to be incorporated by reference. Appendix S would only come into play in our permitting program if we had a nonattainment area and if the preconstruction review provisions of our State Implementation Plan do not meet EPA requirements. In that event, EPA would either implement Appendix S or delegate it to the State. In either case there would be no need to incorporate Appendix S into our rule by reference. In other words, it appears that Appendix S should not have been incorporated by reference into Chapter 100 in the first place.

The following 40 CFR rules are being proposed for incorporation by reference in Appendix Q.

Number 1, 40 CFR 60, subpart GGGa, Standards of Performance for Equipment leaks of VOCs in Petroleum Refineries for which construction, reconstruction or modification commenced after November 7, 2006.

And just a little note there, you may notice that in some cases the word "which" is capitalized and in other cases it's not. We just totally copied what they have in the Federal Regulations. So that is not our choice.

Number 2, 40 CFR 60, subpart VVa, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, reconstruction, or Modification Commenced After November 7, 2006.

Number 3, 40 CFR 63, Subpart AAAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

Number 4, 40 CFR 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants, Area Source Standards for Paints and Allied Products Manufacturing.

Number 5, 40 CFR 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area sources.

Number 6, 40 CFR 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources, Ferroalloys Production Facilities.

And Number 7, 40 CFR 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants, Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

Also, the titles for several other subparts have been modified to reflect more precisely the titles as they appear in the Code of Federal Regulations. Those changes are also highlighted in your handout.

Notice was published in the Oklahoma Register on December 15, 2009 for these proposed changes. The notice requested written comments from the public and other interested parties. No comments have been received as of today. The correspondence from EPA that's in your folders indicates that they had no comments regarding this rule.

Staff requests that the Council vote to send this rule to the Environmental Quality Board with a recommendation that the changes be adopted as a permanent rule.

MS. BOTCHLET-SMITH: Do we have any questions from the Council for Ms. Marshment?

Hearing none, do we have any questions or comments from public? Again hearing none, Laura.

MS. LODES: The Agency has asked that we move to adopt this change. Do we have a motion?

MR. COLLINS: I'll make a motion that we adopt the Department's proposal to update the rules for the Incorporation by Reference.

MS. LODES: We have a motion. Is there a second?

MS. MYERS: And that also includes the removal of (inaudible); is that correct?

MR. COLLINS: Yes.

MS. LODES: I have a motion. Do I have a second?

MR. BRANECKY: Second.

MS. LODES: I have a motion and a second. Myrna, will you call the roll.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Gary Collins.

MR. COLLINS: Yes.

MS. BRUCE: Jim Haught.

MR. HAUGHT: Yes.

MS. BRUCE: Bob Lynch.

DR. LYNCH: Yes.

MS. BRUCE: Montelle Clark.

MR. CLARK: Yes.

MS. BRUCE: Pete White.

MR. WHITE: Yes.

MS. BRUCE: Laura Lodes.

MS. LODES: Yes.

MS. BRUCE: Motion passed.

MS. BOTCHLET-SMITH: This concludes the hearing portion of today's meeting. The next item is a separate presentation that is not -- it's for informational purposes only.

(End of Rulemaking hearing)

C E R T I F I C  
STATE OF OKLAHOMA )  
) ss:  
COUNTY OF OKLAHOMA )

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above meeting is the truth, the whole truth, and nothing but the truth; that the foregoing meeting was taken down in shorthand by me and thereafter transcribed under my direction; that said meeting was taken on the 20th day of January, 2010, at Oklahoma City, Oklahoma; and that I am neither attorney for, nor relative of any of said parties, nor otherwise interested in said action.  
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 21st day of January, 2010.

CHRISTY A. MYERS, C.S.R.  
Certificate No. 00310m