

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Incorporation By Reference

252:100-2-3. [AMENDED]

Subchapter 17. Incinerators

Part 3. General Purpose Incinerators

252:100-17-2. [AMENDED]

Part 9. Commercial and Industrial Solid Waste Incineration Units

252:100-17-60. [AMENDED]

252:100-17-61. [REVOKED]

252:100-17-62. [AMENDED]

252:100-17-63. [AMENDED]

252:100-17-64. [REVOKED]

252:100-17-65. [REVOKED]

252:100-17-66. [REVOKED]

252:100-17-67. [REVOKED]

252:100-17-68. [REVOKED]

252:100-17-69. [REVOKED]

252:100-17-70. [REVOKED]

252:100-17-71. [REVOKED]

252:100-17-72. [REVOKED]

252:100-17-73. [REVOKED]

252:100-17-74. [AMENDED]

252:100-17-75. [REVOKED]

252:100-17-76. [REVOKED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

SUMMARY:

The Department is proposing to modify OAC 252:100-17, Part 3, General Purpose Incinerators and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust enforceable requirements and compliance dates consistent with federal requirements that were revised February 7, 2013. The proposal incorporates changes required as a result of revisions to the emission guidelines in 40 CFR Part 60, Subpart DDDD for state plans under Sections 111(d) and 129 of the federal Clean Air Act (CAA), applicable to existing CISWI units. The proposed changes to Subchapter 17 would be included as part of the required update to Oklahoma's Section 111(d)/129 plan.

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. Among the changes proposed will be the addition of the model CISWI rule in 40 CFR Part 60, Subpart DDDD, and 40 CFR Part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units, to coincide with the proposed modification of Subchapter 17. Also, the update will include other changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS) including the recent amendment to the oil and

natural gas NSPS in 40 CFR Part 60, Subpart OOOO; Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP); and other EPA regulations referenced in Chapter 100. The update includes the recent amendment to the definition of volatile organic compound (VOC) in 40 CFR 51.100(s)(1). In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Section 2-5-105, and 27A O.S. Section 2-5-114 for Subchapter 2 and Appendix Q, and 27A O.S. Section 2-5-105 for Subchapter 17.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 15, 2014. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 15, 2014 hearing and at the February 21, 2014 Environmental Quality Board hearing.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 15, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its next meeting, currently scheduled for 9:30 a.m. on Friday, February 21, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107; to the CISWI State Plan under the requirements of the CAA, Sections 111(d) and 129, 40 CFR Part 60, Subparts B and DDDD, and 27A O.S. Section 2-5-107; and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

RULE IMPACT STATEMENTS:

The rule impact statements will be available on and after December 16, 2013 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.