

MINUTES
AIR QUALITY COUNCIL
July 21, 2004
Department of Environmental Quality
707 North Robinson
Oklahoma City Oklahoma

AQC Approved
December 9, 2004

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. July 21, 2004 in the Multipurpose Room of the DEQ, 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 October 13, 2003; and agendas were posted on the entrance doors at the meeting facility and at the DEQ Central Office in Oklahoma City at least twenty-four hours prior to the meeting.

As protocol officer, 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. Dr. Robert Lynch, Vice-Chair, called the meeting to order. Roll was called and a quorum confirmed.

MEMBERS PRESENT

David Branecky
Bill Breisch
Bob Curtis
Bob Lynch
Gary Martin
Rick Treeman
Joel Wilson

MEMBERS ABSENT

Sharon Myers
Don Smith

OTHERS PRESENT Sign-in sheet is attached
as an official part of these Minutes

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Joyce Sheedy
Brad Cook
Pat Sullivan
Cheryl Bradley
Kerra Roudebush
Kendall Stegmann
Matt Paque
Dawson Lasseter
Rhonda Jeffries
David Dyke
Myrna Bruce

Mr. Terrill introduced the newest Council member, Mr. Bob Curtis and advised that the

other new member, Mr. Don Smith, was unable to attend %
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Yes

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Gary Martin	Yes		
David Branecky	Yes		
Rick Treeman	Yes		

Resolution for Mr. Kilpatrick - Mr. Terrill read a resolution honoring Mr. Kilpatrick’s retirement from his Council duties and presented him with a Governor’s Commendation and a plaque from Air Quality. Mr. Kilpatrick accepted and complimented staff for all the hard work and achievements he had seen through his years of service.

Director’s Report Since Mr. Dyke had another meeting to attend, Mr. Terrill changed the order of the Agenda and asked Mr. David Dyke, Assistant Director, Administrative Services Division, to provide an update on the last Finance Committee meeting and other budget information. Comments and questions were acknowledged.

OAC 252:110 Lead-Based Paint

- OAC 252:110-3. **Definitions** [AMENDED]
- OAC 252:110-5. **Incorporation By Reference** [AMENDED]
- OAC 252:110-9. **Additional Accreditation Requirements** [AMENDED]
- OAC 252:110-11. **Additional LBP Certification Requirements** [AMENDED]
- OAC 252:110-13. **Additional Work Practice Standards** [AMENDED]

Ms. Beverly Botchlet-Smith convened the hearings and called upon Ms. Cheryl Bradley to provide staff presentation for these rules. Ms. Bradley advised that proposal for SC 3 and SC 5 would update the incorporations by reference of the federal regulations. She added that amendments to SC 9 would clarify requirements for accredited lead-based paint training programs and that amendments to SC 13 would clarify certificate requirements. Ms. Bradley explained that the Department proposes to revoke OAC 252:110-13-3 because these requirements will now be included in OAC 252:110-5-1(4) and they will be incorporated with the federal rules. Ms. Bradley pointed out other changes that would be made and entered two letters of comment into the record. With little discussion, Dr. Lynch called for a motion. Mr. Treeman made motion to approve the amendments as presented by Ms. Cheryl Bradley. Mr. Branecky made the second.

Roll call.

Joel Wilson	Yes	Bill Breisch	Yes
Gary Martin	Yes	Bob Curtis	Yes
David Branecky	Yes	Bob Lynch	Abstain
Rick Treeman	Yes		Motion carried.

OAC 252:100-3. Air Quality Standards and Increments [AMENDED] Dr. Joyce Sheedy advised that staff’s proposal would correct a reference error in OAC 252:100-3-4(a) that had been overlooked when the PSD requirements were moved from Part 5 of SC 7 to Part 7 of SC 8. She related that no comments had been received and requested that Council forward the revision to the Environmental Quality Board for permanent adoption. With no discussion, Dr. Lynch called for a motion. Mr. Martin moved approval and Mr. Treeman seconded.

Roll call.

Joel Wilson	Yes	Bill Breisch	Yes
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Gary Martin	Yes	Bob Curtis	Yes
David Branecky	Yes	Bob Lynch	Yes
Rick Treeman	Yes		Motion carried.

OAC 252:100-7. Permits for Minor Facilities [AMENDED] Dr. Joyce Sheedy related proposed language to be added to OAC 252:100-7-2 that would clarify that de minimis cotton gins that comply with the requirements of SC 23; and de minimis grain, feed or seed facilities that comply with the requirements of SC 24 would not have to comply with the requirements of SC 25 for visible emissions and particulates and SC 29 for control of fugitive dust. She advised that it was not the Department's intention that de minimis facilities be held to more stringent standards than facilities requiring permits. Dr. Sheedy entered into the record a letter of comment from Trinity Consultants. Staff recommended that Council forward this rulemaking to the Environmental Quality Board for permanent adoption. Mr. Branecky moved for adoption and Mr. Breisch seconded.

Roll call.			
Joel Wilson	Yes	Bill Breisch	Yes
Gary Martin	Yes	Bob Curtis	Yes
David Branecky	Yes	Bob Lynch	Yes
Rick Treeman	Abstain		Motion carried.

OAC 252:100-41. Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants [AMENDED]
OAC 252:100-42. Control of Toxic Air Pollutants (TAPS) [NEW]
Appendix O. [NEW]

Ms. Botchlet-Smith called up Mr. Brad Cook for staff presentation. Mr. Cook explained that the proposed changes would partition the existing Subchapter 41 into two, adding a new Subchapter 42 with an Appendix O. He addressed comments that had been received from OGE, Trinity Consultants and Koch Hydrocarbon LP and made those a part of the hearing record. Mr. Terrill explained staff's reasoning for having two subchapters and opened the floor for questions and comments from Council and the public. Staff recommended that the hearing be continued to the October Council meeting. Dr. Lynch called for a motion. Mr. Curtis made that motion to continue and Mr. Martin made the second.

Roll call.			
Joel Wilson	Yes	Bill Breisch	Yes
Gary Martin	Yes	Bob Curtis	Yes
David Branecky	Yes	Bob Lynch	Yes
Rick Treeman	Yes		Motion carried.

Division Director's Report Continued Mr. Terrill provided updates on possibility of special meetings for the toxics rule, EAC, and NSR. He related that all members of the Council would be invited to an Orientation on September 14. He also spoke about CAIR and BART.

NEW BUSINESS - None

ADJOURNMENT - 10:37 a.m. Next meeting scheduled for October 20, 2004 in Broken

Bow, Oklahoma.

A copy of the hearing transcript and the sign in sheet are attached and made an official part of these Minutes. Please note an addition to the transcript is a reference index.