

**MINUTES  
AIR QUALITY ADVISORY COUNCIL  
October 15, 2014  
Department of Environmental Quality  
Multipurpose Room  
Oklahoma City, Oklahoma**

Official AQAC Approved  
at June 10, 2015 meeting

**Notice of Public Meeting** – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 15, 2014, in the Multipurpose Room of the Department of Environmental (DEQ), 707 N. Robinson, Oklahoma City, Oklahoma. Notice of the meeting was forwarded to the Office of Secretary of State on November 18, 2013. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Botchlet-Smith acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that forms were available at the registration table for anyone wishing to comment on any of the rules. Ms. Sharon Myers, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Gerald Butcher  
Gary Collins  
J. Kelly Dunkerley  
David Gamble  
Jim Haught  
Laura Lodes  
Robert Lynch  
Sharon Myers

**MEMBERS ABSENT**

Montelle Clark

**DEQ STAFF PRESENT**

Eddie Terrill  
Beverly Botchlet-Smith  
Cheryl Bradley  
Rob Singletary  
Laura Finley  
Carrie Schroeder  
Randy Ward  
Dawson Lasseter  
Heather Lerch  
Jonathan Truong  
Brooks Kirlin  
Kendal Stegmann  
Ryan Buntyn  
Joyce Sheedy  
Nancy Marshment  
Quiana Fields

**OTHERS PRESENT**

Trisha Bowden, Court Reporter

**Approval of Minutes** -- Ms. Myers called for a motion to approve the Minutes of the January 15, 2014 Regular Meeting. Ms. Lodes moved to approve and Mr. Butcher made the second.

*See transcript pages 3 - 4*

Gerald Butcher	Yes	Laura Lodes	Yes
Gary Collins	Abstain	Robert Lynch	Yes
David Gamble	Yes	Sharon Myers	Yes
Jim Haught	Yes		

**Meeting Schedule for Calendar Year 2015** – Ms. Myers stated the DEQ has suggested that AQAC meet three times in 2015. The proposed meeting scheduled dates are: January 14 in Oklahoma City, June 10 in Tulsa and October 21 in Oklahoma City. Following questions and comments by the Council, Mr. Butcher moved to approve the proposed dates. Mr. Collins made the second.

	<i>See transcript pages 4 - 7</i>		
Gerald Butcher	Yes	Laura Lodes	Yes
Gary Collins	Yes	Robert Lynch	Yes
David Gamble	Yes	Sharon Myers	Yes
Jim Haught	Yes		

**OAC 252:100-2, Incorporation By Reference [AMENDED]**

**Appendix Q. Incorporation By Reference [REVOKED]**

**Appendix Q. Incorporation By Reference [NEW]**

Ms. Nancy Marshment, Environmental Programs Specialist of the Air Quality Division (AQD), stated the Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. Included are changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). 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. Hearing no discussion by the Council or the public, Ms. Myers called for a motion. Ms. Lodes moved to approve the changes. Mr. Gamble made the second.

**For the record Ms. Botchlet-Smith announced that Mr. Dunkerley is in attendance.**

	<i>See transcript pages 9 - 12</i>		
Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Laura Lodes	Yes
John K. Dunkerley	Yes	Robert Lynch	Yes
David Gamble	Yes	Sharon Myers	Yes

**Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting.**

*See transcript page 12*

**Presentation – U.S. Supreme Court Tailoring Rule Decision & Potential Impacts** – Mr. Rob Singletary, Supervising Attorney, gave a presentation on the U.S. Supreme Court Tailoring Rule.

**Division Director's Report** – Mr. Eddie Terrill, Division Director of the AQD, provided an update on other Division activities.

**New Business** – None

**Adjournment** – The next scheduled meeting is on Wednesday, January 14, 2015 in Oklahoma City. Ms. Myers called for a motion to adjourn the meeting. Ms. Lodes moved to adjourn and Mr. Butcher made the second.

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Laura Lodes	Yes
John K. Dunkerley	Yes	Robert Lynch	Yes
David Gamble	Yes	Sharon Myers	Yes

**Transcript and attendance sheet are attached as an official part of these Minutes.**

TRANSCRIPTION OF PROCEEDINGS  
OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY ADVISORY COUNCIL  
DATED OCTOBER 15, 2014. AT 9:00 A.M.  
HELD IN OKLAHOMA CITY, OKLAHOMA

CITY REPORTERS, INC.  
FIRST FLOOR, 117 PARK AVENUE  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 235-3376  
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REPORTED BY: TRISHA BOWDEN, CSR

1 MS. MYERS: Let's get started this morning.  
2 Quiana, would you call role.  
3 MS. FIELDS: Good morning. Mr. Butcher.  
4 MR. BUTCHER: Here.  
5 MS. FIELDS: Mr. Clark is absent.  
6 Mr. Collins.  
7 MR. COLLINS: Here.  
8 MS. FIELDS: Mr. Dunkerley is absent.  
9 Mr. Gamble.  
10 MR. GAMBLE: Here.  
11 MS. FIELDS: Mr. Haught.  
12 MR. HAUGHT: Here.  
13 MS. FIELDS: Ms. Lodes.  
14 MS. LODES: Here.  
15 MS. FIELDS: Mr. Lynch.  
16 MR. LYNCH: Here.  
17 MS. FIELDS: Ms. Myers.  
18 MS. MYERS: Here.  
19 MS. FIELDS: We have a quorum.  
20 MS. MYERS: Okay. Next on the agenda is  
21 approval of the minutes. Is there any discussion from  
22 the Council on the minutes?  
23 MS. LODES: I move to approve the minutes.  
24 MS. MYERS: Okay. We have a motion to approve.  
25 Do I have a second?

1 MEMBERS OF THE COUNCIL  
2 MR. GERALD BUTCHER  
3 MR. MONTELLE CLARK  
4 MR. GARY COLLINS  
5 MS. LAURA LODES  
6 MR. JIM HAUGHT  
7 MR. DAVID GAMBLE  
8 MR. ROBERT LYNCH  
9 MS. SHARON MYERS  
10 MR. J. KELLY DUNKERLEY  
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1 MR. BUTCHER: I'll second.  
2 MS. MYERS: We have a motion and a second.  
3 Quiana, would you call role, please.  
4 MS. FIELDS: Mr. Butcher.  
5 MR. BUTCHER: Yes.  
6 MS. FIELDS: Mr. Collins.  
7 MR. COLLINS: Abstain.  
8 MS. FIELDS: Mr. Gamble.  
9 MR. GAMBLE: Yes.  
10 MS. FIELDS: Mr. Haught.  
11 MR. HAUGHT: Yes.  
12 MS. FIELDS: Ms. Lodes.  
13 MS. LODES: Yes.  
14 MS. FIELDS: Mr. Lynch.  
15 MR. LYNCH: Yes.  
16 MS. FIELDS: Ms. Myers.  
17 MS. MYERS: Yes.  
18 MS. FIELDS: Motion passed.  
19 MS. MYERS: Okay. Next item on the agenda is  
20 the meeting schedule for 2015. I can't believe we're  
21 already to 2015.  
22 Traditionally we meet four times a year.  
23 However, due to the lack of rules that are in process for  
24 being made, DEQ has suggested that we meet three times in  
25 2015. We can always have a special meeting if required.

1 Is there any discussion from the Council?  
 2 (No response.)  
 3 MS. MYERS: The proposed meetings are for  
 4 Wednesday, January 14th, Wednesday, June 17th in Tulsa,  
 5 and Wednesday, October 21st in Oklahoma City.  
 6 MR. TERRILL: I think it says the 10th.  
 7 MS. MYERS: It says 17th in the --  
 8 MS. BOTCHLET-SMITH: The packet says the 10th.  
 9 We need clarification.  
 10 MR. TERRILL: Okay. The chair has got the  
 11 17th.  
 12 MS. BRADLEY: I have the 10th.  
 13 MS. LODES: Looks like that's putting us  
 14 meeting one day after the Environmental Quality Board  
 15 meeting.  
 16 MS. BRADLEY: That was --  
 17 MR. TERRILL: The 17th does?  
 18 MS. LODES: Yeah, the 17th does. Because their  
 19 meeting is the 16th.  
 20 MS. MYERS: Okay. The 17th is what I had in my  
 21 packet.  
 22 MS. BRADLEY: Sorry.  
 23 MS. MYERS: So June 10th. Sorry about that.  
 24 MS. MARSHMENT: That's probably my fault.  
 25 Maybe I gave -- put that up after and then changed it

1 after. It should be the 10th.  
 2 MS. MYERS: Okay. That's fine.  
 3 Any discussion from Council?  
 4 MS. LODES: Does that -- okay, I do have a  
 5 question. So I know if we have anything that we have to  
 6 do and we've got to go through the Environmental Quality  
 7 Board, they have to notice it, what, 30 days prior.  
 8 So if I'm looking at these dates, we may have  
 9 30 days between January 14th and February 20th, but then  
 10 the June date is only seven days prior. So it would be  
 11 whatever goes before it in January doesn't go until June.  
 12 And then the September -- then if we meet October 21st,  
 13 they won't be able to run it for the November 10th  
 14 meeting.  
 15 Am I -- I'm just thinking if we're shifting our  
 16 schedule, are we going to put it where we can't even get  
 17 anything before the Quality Board next year.  
 18 MS. BRADLEY: Cheryl Bradley, Air Quality  
 19 Division. We actually do the notice for the Board at the  
 20 same time we do it for the Council.  
 21 MS. LODES: Okay.  
 22 MS. MYERS: Any other questions or comments?  
 23 MR. BUTCHER: I'll make a motion that we move  
 24 for the three dates of the meeting in 2015.  
 25 MS. MYERS: We have a motion. Do we have a

1 second?  
 2 MR. COLLINS: I'll second.  
 3 MS. MYERS: Quiana, would you call role,  
 4 please?  
 5 MS. FIELDS: Mr. Butcher.  
 6 MR. BUTCHER: Yes.  
 7 MS. FIELDS: Mr. Collins.  
 8 MR. COLLINS: Yes.  
 9 MS. FIELDS: Mr. Gamble.  
 10 MR. GAMBLE: Yes.  
 11 MS. FIELDS: Mr. Haught?  
 12 MR. HAUGHT: Yes.  
 13 MS. FIELDS: Ms. Lodes.  
 14 MS. LODES: Yes.  
 15 MS. FIELDS: Mr. Lynch.  
 16 MR. LYNCH: Yes.  
 17 MS. FIELDS: Ms. Myers.  
 18 MS. MYERS: Yes.  
 19 MS. FIELDS: Motion passed.  
 20 MS. MYERS: And at this time, Beverly, I will  
 21 turn it over to you.  
 22 MS. BOTCHLET-SMITH: Good morning. I'm Beverly  
 23 Botchlet-Smith, the Assistant Director of the Air Quality  
 24 Division. As such, I will serve as protocol officer for  
 25 today's hearing.

1 The hearings will be convened by the Air  
 2 Quality Council in compliance with the Oklahoma  
 3 Administrative Procedures Act and Title 40 of the Code of  
 4 Federal Regulations, Part 51, as well as the authority of  
 5 Title 27A of the Oklahoma Statutes, Section 2-2-201 and  
 6 Sections 2-5-101 through 2-5-117.  
 7 Notice of the October 15, 2014 hearings were  
 8 advertised in the Oklahoma Register for the purpose of  
 9 receiving comments pertaining to the proposed OAC Title  
 10 252 Chapter 100 rules as listed on the Agenda, and will  
 11 be entered into each record along with the Oklahoma  
 12 Register filing. Notice of the meeting was filed with  
 13 the Secretary of State on November 18, 2013. The agenda  
 14 was duly posted 24 hours prior to the meeting here at  
 15 DEQ.  
 16 If you wish to make a statement, it is very  
 17 important that you complete a form found at the  
 18 registration table, and you will be called upon at the  
 19 appropriate time. Audience members, when you make your  
 20 statement, please step up to this podium, state your name  
 21 prior to speaking, and we will hear your comments at that  
 22 time.  
 23 At this time, we'll proceed with what's marked  
 24 as Agenda Item #5 on the Hearing Agenda. This is OAC  
 25 252:100-2, Incorporation By Reference and Appendix Q.

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1 The presentation for this will be made by  
 2 Ms. Nancy Marshment.  
 3 MS. MARSHMENT: Madam chair, members of the  
 4 Council, ladies and gentlemen. I'm Nancy Marshment,  
 5 Environmental Programs Specialist with the Air Quality  
 6 Division. The Department is proposing to update language  
 7 in Subchapter 2, Incorporation by Reference, to reflect  
 8 the new date of incorporation for Appendix Q.  
 9 In addition, the Department is proposing to  
 10 revoke the current Chapter 100, Appendix Q, Incorporation  
 11 by Reference, and adopt a new Appendix Q. This proposal  
 12 is part of the annual update of Title 40, Code of Federal  
 13 Regulations, Incorporations by Reference in Chapter 100.  
 14 The Oklahoma Rules on Rule Making dictate the procedure  
 15 for amending a rule appendix by revoking the old and  
 16 creating an entirely new appendix.  
 17 Upon final adoption, the permanent rule will be  
 18 submitted to EPA as a revision to Oklahoma's State  
 19 Implementation Plan, or SIP. This rule hearing satisfies  
 20 the public participation requirement for SIP revisions.  
 21 We will also be submitting the rule changes to update our  
 22 delegation of authority to implement and enforce the New  
 23 Source Performance Standards (NSPS) and National Emission  
 24 Standards for Hazardous Air Pollutants (NESHAPS).  
 25 The proposed changes to Appendix Q reflect

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1 federal regulations that have been implemented as of  
 2 September 1, 2014. The update would also incorporate any  
 3 amendments to standards currently listed in Appendix Q.  
 4 A list of all changes to standards that have been made  
 5 since November 1, 2013, is provided in your folders, and  
 6 is also included as the last page of the handout for  
 7 Subchapter 2 and Appendix Q.  
 8 Two federal rules have been added to Appendix  
 9 Q: 40 CFR Part 60, Subpart BBa, Standards of Performance  
 10 for Kraft Pulp Mill Affected Sources for Which  
 11 Construction, Reconstruction, or Modification Commenced  
 12 After May 23, 2013.  
 13 And 40 CFR Part 98, Subpart A, Table A-1 to  
 14 Subpart A of Part 98, Global Warming Potentials.  
 15 Notice was published in the Oklahoma Register  
 16 on September 15, 2014 for these proposed changes. The  
 17 notice requested written comments from the public and  
 18 other interested parties. No substantive comments have  
 19 been received as of today. EPA submitted a letter  
 20 acknowledging the changes and no response is required. A  
 21 copy of the letter is in Council members' folders.  
 22 Staff requests the Council recommend this rule  
 23 making to the Environmental Quality Board for permanent  
 24 adoption. Thank you.  
 25 MS. BOTCHLET-SMITH: Before we start questions,

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1 we might want to make note that Mr. Dunkerley did join us  
 2 prior to the presentation but after role call, so he did  
 3 hear the presentation.  
 4 And at this time, we will take questions from  
 5 the Council. Do we have any questions from the Council?  
 6 (No response.)  
 7 MS. BOTCHLET-SMITH: I didn't receive any  
 8 notice that anyone from the public wished to comment. Is  
 9 there anyone in our audience that has any questions or  
 10 comments on this proposed rule?  
 11 (No response.)  
 12 MS. BOTCHLET-SMITH: Seeing none, Sharon, do  
 13 you want to call for a vote?  
 14 MS. MYERS: I will.  
 15 Quiana, would you do a -- I guess we need to  
 16 make a motion, sorry. Trying to get ahead. Trying to  
 17 get out of here by 9:15.  
 18 Do we have a motion?  
 19 MS. LODES: I move that we approve the changes.  
 20 MR. GAMBLE: Second.  
 21 MS. MYERS: We have a motion and a second.  
 22 Quiana, would you call role, please?  
 23 MS. FIELDS: Mr. Butcher.  
 24 MR. BUTCHER: Yes.  
 25 MS. FIELDS: Mr. Collins.

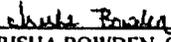
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1 MR. COLLINS: Yes.  
 2 MS. FIELDS: Mr. Dunkerley.  
 3 MR. DUNKERLEY: Yes.  
 4 MS. FIELDS: Mr. Gamble.  
 5 MR. GAMBLE: Yes.  
 6 MS. FIELDS: Mr. Haught.  
 7 MR. HAUGHT: Yes.  
 8 MS. FIELDS: Ms. Lodes.  
 9 MS. LODES: Yes.  
 10 MS. FIELDS: Mr. Lynch.  
 11 MR. LYNCH: Yes.  
 12 MS. FIELDS: Ms. Myers?  
 13 MS. MYERS: Yes.  
 14 MS. FIELDS: Motion passed.  
 15 MS. BOTCHLET-SMITH: And that concludes the  
 16 hearing portion of today's meeting.  
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**CERTIFICATE**

I, TRISHA BOWDEN, a certified shorthand reporter within and for the State of Oklahoma, certify that the meeting was taken by me in stenotype and thereafter transcribed by computer and the foregoing is a true and correct transcript of the meeting: that the meeting was taken on OCTOBER 15, 2014, in OKLAHOMA CITY, Oklahoma; that I am not an attorney for or a relative of any party, or otherwise interested in this action.

Witness my hand and seal of office on this the 23rd day of OCTOBER 2014.

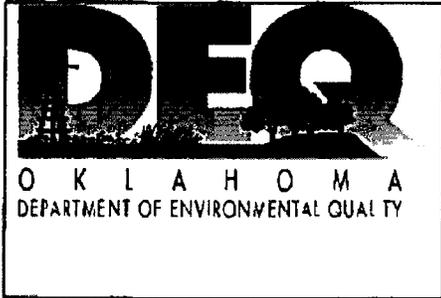
  
TRISHA BOWDEN, CSR  
State of Oklahoma  
Certified Shorthand Reporter  
#1811  
Certificate expires 12/31/14





**AIR QUALITY COUNCIL**  
**Attendance Record**  
**October 15, 2014**  
**Oklahoma City, Oklahoma**

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Nancy Marshment	AQD-DEQ
Jana Vaccata	" "
Quiana Fields	DEQ
Sharon Myers	
Jim Hought	AQC
Heather Lerch	DEQ
Cheryl BRADLEY	DEQ
Cristance Burris	CH2
DAVID CAMPBELL	AQC-Philips 66
Beverly Botchlet-Smith	DEQ
Carrie Schroeder	DEQ
Rob Singleton	DEQ
Robbie Gillem	JP
Alison Hodus	Trinity consultants
Jerry Jewell	Trinity
Brian McQuinn	OG&E
Wendell Seemann	DEQ
Brooks Kirtin	DEQ-AQD
Joyce Shoady	DEQ AQD
Bob Lynch	OHHC
Jonathan Tracy	DEQ AQD
Lance Lodes	Enable Midstream
Michael Watt	OMPA mwstt34@yahoo
Chris Donly	OG&E
Therese Thyn	OG&E
Randy Ward	DEQ-AQD



**AIR QUALITY COUNCIL**  
**Attendance Record**  
**October 15, 2014**  
**Oklahoma City, Oklahoma**

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Ryan Buntyn

Kelly Dyerleaf  
Ch. Tule

ODEQ

AQ: EJ

DEQ AQ