

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

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Subchapter 7. Permits for Minor Facilities

Part 9. Permits By Rule

252:100-7-60.6. [NEW]

**SUMMARY:**

The Department is proposing to modify OAC 252:100-7, Permits for Minor Facilities, to add a new Permit By Rule (PBR) for emergency generator facilities. The PBR would simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency generator engine that is subject to a federal standard. The PBR would also reduce the reporting requirements of the qualifying facilities from an annual emission inventory to once every three or six years (depending on emission amounts). The Department is proposing the rule as an emergency in order to provide more immediate reduction of the regulatory burden on affected facilities and substantially lower the cost to become permitted.

**AUTHORITY:**

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 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, and specifically 27A O.S. Sections 2-5-112 and -114 for Subchapter 7.

**COMMENT PERIOD:**

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on June 10, 2015. 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 June 10, 2015 hearing and at the September 15, 2015 Environmental Quality Board hearing.

**PUBLIC HEARINGS:**

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, June 10, 2015, at TulsaTech, 10800 North 140<sup>th</sup> East Avenue, Owasso, OK 74055.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, September 15, 2015, at Roman Nose State Park, 3236 Hwy. 8A, Watonga, Oklahoma 73772.

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(6)(c), 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(B)(9).

**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](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:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and available on and after May 1, 2015 on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](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](mailto: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.

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-2.1. [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 9. Permits By Rule

252:100-7-60.6. [NEW]

**SUMMARY:**

The Department is proposing to amend OAC 252:100-5, Registration, Emission Inventory and Annual Operating Fees, for consistency with the U.S. Environmental Protection Agency (EPA) Air Emission Reporting Requirements contained in Subpart A of 40 CFR Part 51. OAC 252:100-5-2.1(a)(3) excludes permit exempt facilities from the requirement to submit an annual emission inventory to the Department. A permit exempt facility, among other things, has actual emissions of no more than 40 tons per year of each regulated air pollutant. A recent revision to Subpart A (80 FR 8787, 2/19/15) lowered the federal reporting threshold for lead emissions to  $\geq 0.5$  tons per year. The Department proposes to revise emission inventory requirements for de minimis facilities and permit exempt facilities to correspond to the federal emission inventory thresholds contained in Table 1 to Appendix A of Subpart A.

In addition, the Department is proposing to modify OAC 252:100-7, Permits for Minor Facilities, to add a new Permit By Rule (PBR) for emergency generator facilities. The PBR would simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency generator engine that is subject to a federal standard. The PBR would also reduce the reporting requirements of the qualifying facilities from an annual emission inventory to once every three or six years (depending on emission amounts).

**AUTHORITY:**

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 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. Sections 2-5-105 and 2-5-112 for Subchapter 5, and 27A O.S. Sections 2-5-112 and -114 for Subchapter 7.

**COMMENT PERIOD:**

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on June 10, 2015. 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 June 10, 2015 hearing and at the September 15, 2015 Environmental Quality Board hearing.

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**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:**

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