

MINUTES
AIR QUALITY COUNCIL
October 18, 2006
707 North Robinson
Oklahoma City, Oklahoma

For EQB November 14, 2006
For AQC Approved
~~January 17, 2007~~—April 18, 2007

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. October 18, 2006 at the Forest Heritage Center, Broken Bow, 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 5, 2005. 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. Sharon Myers, Chair, called the meeting to order. Ms. Bruce called roll and a quorum was confirmed.

MEMBERS PRESENT

Sharon Myers
David Branecky
Bob Curtis
Gary Martin
Jerry Purkaple
Rick Treeman
Laura Worthen

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Max Price
Morris Moffett

**DEQ STAFF
PRESENT**

Matt Paque
Dawson Lasseter
Nancy Marshment
Myrna Bruce

MEMBERS ABSENT

Bob Lynch
Don Smith

OTHERS PRESENT

Christy Myers, Court Reporter

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

Approval of Minutes Ms. Myers called for approval of the July 19, 2006 Minutes. With one change suggested, she called for a motion to approve the Minutes with suggested changes. Mr. Curtis made the motion and Mr. Martin made the second. Roll call as follows with motion passing.

Bob Curtis	Yes	Jerry Purkaple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Abstain
Laura Worthen	Yes		

Meeting Schedule for Calendar Year 2007 After discussion, Council decided on January 17 in Oklahoma City; April 18 in Tulsa; July 18 in Ponca City; and October 17 in Oklahoma City.

Bob Curtis	Yes	Jerry Purkaple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Abstain
Laura Worthen	Yes	Motion Passed	

OAC 252:100-1. General Provisions [AMENDED]

OAC 252:100-8. Permits for Part 70 Sources [AMENDED]

OAC 252:100-37. Control of Emission of Volatile Organic Compounds (VOCs) [AMENDED]

OAC 252:100-39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas [AMENDED]

Mr. Max Price explained that the Department proposes to amend Subchapters 1, 8, 37 and 39 to clarify certain definitions, including “particulate matter” and “volatile organic compounds.” He noted that adding these definitions clarifies the Department’s policy of including the back half which is otherwise known as condensable PM in emission calculations for stack tests utilizing Method 5 found in 40 CFR Appendix A to show compliance with state particulate matter emission regulations. He pointed out that this is the second time this rulemaking has been before the Council and staff recommended that it is forwarded to the Environmental Quality Board for permanent adoption. Staff fielded questions from the Council and public comment was submitted for the record by Mr. Rusty Kroll; Mr. Michael Peters, and Ms. Julia Bevers. Further discussion led to a motion by Mr. Rick Treeman to continue the rulemaking to Council’s next meeting. Mr. Branecky made the second.

Bob Curtis	No	Jerry Purkaple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Yes
Laura Worthen	Yes	Motion Passed	

OAC 252:100-2. Incorporation by Reference [NEW]

OAC 252:100-4. New Source Performance Standards [REVOKED]

OAC 252:100-40. Control of Emission of Friable Asbestos during Demolition and Renovation Operations [NEW]

OAC 252:100-41. Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants [REVOKED]

Appendix Q. Title 40, Code of Federal Regulations, Incorporation by Reference [NEW]

Mr. Max Price related that the proposed amendments would assure that all incorporations by reference to 40 CFR have incorporation dates in the agency rules. The proposal would add new Subchapters 2 and 40 and Appendix Q, and revokes Subchapters 4 and 41. He added that the proposal had been before the Council twice and staff’s recommendation was for permanent adoption. Mr. Branecky made a motion to recommend the rulemaking to the Environmental Quality Board with the changes he had suggested to Appendix Q and 100-2-3(b)(1). Ms. Worthen made the second.

Bob Curtis	Yes	Jerry Purkaple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Yes
Laura Worthen	Yes	Motion Passed	

OAC 252:100-5. Registration, Emission Inventory and Annual Operating Fees [AMENDED] Mr. Morris Moffett advised that the Department proposal would modify

the requirement to provide a written explanation when yearly emission changes are in excess of 30 percent by clarifying that the written explanation would be required only on request by the Department. He added that the second proposed amendment would change the due date for submittal of the annual emission inventory from March 1 to April 1 of each year and allow the opportunity for a 30-day extension. These changes were recommended for permanent adoption. Mr. Purkapple made motion for approval with the change suggested. Mr. Curtis made the second.

Bob Curtis	Yes	Jerry Purkapple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Yes
Laura Worthen	Yes	Motion Passed	

OAC 252:100-44. Control of Mercury Emissions from Coal Fired Electric Steam Generating Units [NEW]

Mr. Morris Moffett advised that the Department is proposing a new Subchapter 44, Control of Mercury Emissions from Coal Fired Electric Steam Generating Units, which would incorporate by reference the federal Clean Air Mercury Rule (CAMR) issued in May 2005. He pointed out that recent discussion between staff, the EPA, and stakeholders indicate there may be further changes to the federal model rule, therefore, staff asked for continuation of the hearing to the January meeting. Mr. Branecky made that motion and Ms Worthen made the second.

Bob Curtis	Yes	Jerry Purkapple	Yes
Rick Treeman	Yes	Gary Martin	Yes
David Branecky	Yes	Sharon Myers	Yes
Laura Worthen	Yes	Motion Passed	

Proposed Mercury Allocations for Oklahoma EGUs

Mr. Morris Moffett advised that this public hearing was to receive public comments on the proposed revision to the State Implementation Plan (SIP) concerning the mercury emission credit allocations from the Clean Air Mercury Rule (CAMR) as Oklahoma may meet its statewide mercury emissions budget by allowing affected sources to participate in the EPA-managed cap and trade program. Oklahoma has proposed regulations identical to 40 CFR 60, Subpart HHHH. Mercury budget allocations will be made in accordance with Subpart HHHH, specifically 40 CFR 60.4140-4142. The allocations will be included with DEQ's CAMR 111(d) plan submittal to the EPA. No comments were received and no action from the Council was necessary.

Division Director's Report – Eddie Terrill gave an update on Division activities.

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

Adjournment – The next regular meeting is proposed for 9:00 a.m., Wednesday, January 17, 2007 in Oklahoma City.

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

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL
REGULAR MEETING

ITEM NUMBERS 1-5A

HELD ON OCTOBER 18, 2006, AT 9:00 A.M.

IN BROKEN BOW, OKLAHOMA

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MEMBERS OF THE COUNCIL

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- SHARON MYERS - CHAIR
- DAVID BRANECKY - VICE-CHAIR
- BOB CURTIS - MEMBER
- BOB LYNCH - MEMBER
- GARY MARTIN - MEMBER
- JERRY PURKAPLE - MEMBER
- DON SMITH - MEMBER
- RICK TREEMAN - MEMBER
- LAURA WORTHEN - MEMBER

STAFF MEMBERS

- MYRNA BRUCE - SECRETARY
- EDDIE TERRILL - DIVISION DIRECTOR
- MAX PRICE - AQD
- MATT PAQUE - LEGAL
- BEVERLY BOTCHLET-SMITH - AQD
- MORRIS MOFFETT - AQD

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PROCEEDINGS

MS. MYERS: Let s call the meeting to order, please.

Myrna, are you ready to call the roll?

MS. BRUCE: Good morning.
Bob Curtis.

MR. CURTIS: Here.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Here.

MS. BRUCE: David Branecky.

MR. BRANECKY: Here.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Here.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Here.

MS. BRUCE: Gary Martin.

MR. MARTIN: Here.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: We have absent Don Smith and Bob Lynch. They are missing a lovely Broken Bow morning. We do have a quorum.

1 MS. MYERS: The next item on the

2 Agenda is the Approval of the Minutes from
3 the July 19th meeting.

4 MR. PURKAPLE: I have a
5 correction that needed to be made. I d
6 like to defend Mr. Branecky s honor in the
7 Minutes. If you ll note on the first page
8 -- if this was me, I d want somebody to
9 defend my honor.

10 "Approval of Minutes". Mr. Branecky
11 called for approval of the April 19th
12 Minutes. "Hearing no discussion, she
13 called for a Motion".

14 There is no doubt about it. It may
15 seem so small to some, but "she" is a "he".

16 MR. BRANECKY: And according to
17 my wife, yes.

18 MS. BRUCE: I apologize.

19 MS. MYERS: Are there any other
20 comments about the Minutes, then?

21 Yes, sir.

22 MR. CURTIS: I move that the
23 Minutes be approved as corrected.

24 MS. MYERS: We have a Motion. Do
25 we have a second?

1 MR. MARTIN: Second.

2 MS. MYERS: Myrna, could you call
3 the roll, please?

4 MS. BRUCE: I will. Bob Curtis.

5 MR. CURTIS: Yes.

6 MS. BRUCE: Rick Treeman.

7 MR. TREEMAN: Yes.

8 MS. BRUCE: David Branecky.

9 MR. BRANECKY: Yes.

10 MS. BRUCE: Laura Worthen.

11 MS. WORTHEN: Yes.

12 MS. BRUCE: Jerry Purkaple.

13 MR. PURKAPLE: Yes.

14 MS. BRUCE: Gary Martin.

15 MR. MARTIN: Yes.

16 MS. BRUCE: Sharon Myers.

17 MS. MYERS: Abstained.

18 MS. BRUCE: Motion approved.

19 MR. BRANECKY: Do you have a
20 question about me?

21 MS. MYERS: No, I don t have a
22 question about you. I wasn t here. I
23 didn t know whether it was different or
24 not.

25 Okay. The next item on the Agenda

1 is the meeting schedule for the calendar

2 year of 2007. Is there any discussion from
3 the Council?

4 MR. PURKAPLE: Mr. Martin and I
5 were discussing hosting an Air Quality
6 Council Meeting in Ponca City and we would
7 like to offer to do that --

8 MS. MYERS: Okay.

9 MR. PURKAPLE: -- on one of these
10 dates if the Council would so like to do
11 that.

12 MR. TERRILL: If we re going to
13 go do that, I would suggest we do that in
14 July just in case we want to have a public
15 hearing in conjunction with our regional
16 haze SIP revisions, we d probably want to
17 do that in Oklahoma City. I don t know
18 that we will want to do that on the October
19 17th meeting, but we might. And we
20 probably won t know until we get a little
21 bit closer to it. So July 18th would
22 probably work best, to make sure that we re
23 in Oklahoma City when ever we do that, to
24 have a public hearing.

25 The other thing I would mention is

1 that the meeting in Oklahoma City on the

2 17th will not be at the multi-media room in
3 our offices. We re doing some remodel
4 work. We re taking out those elevator
5 shafts that take up those big chunks of the
6 meeting space down there, we re moving
7 those. So that work won t be done until
8 March. So we re looking at either going to
9 possibly the Zoo, where they ve got a
10 meeting room, or OG&E has got a meeting
11 room downtown. And we ll try to clarify
12 that in the next couple of weeks. But I
13 would suggest if we re going to make
14 changes, we go to Oklahoma City, January;
15 Tulsa, in April; Ponca City, in July; and
16 back to Oklahoma City, in October.

17 MS. MYERS: Not Broken Bow?

18 MR. TERRILL: Not Broken Bow in
19 October, no. We ve got -- we very well may
20 have a public hearing in conjunction with
21 our Council Meeting. I wouldn t want to
22 have folks travel. It s nice, but it s an
23 awful long ways to come for a public
24 hearing that may draw quite a bit of
25 attention. Very well will draw quite a bit

1 of attention.

2 MS. MYERS: Okay. So it appears
3 that we have meetings set for Oklahoma
4 City, Tulsa, Ponca City, and back to
5 Oklahoma City. Any additional comments
6 from the Council?

7 Do we have a Motion?

8 MR. CURTIS: I move that we
9 approve the meeting locations as discussed.

10 MR. PURKAPLE: Second.

11 MS. MYERS: We have a Motion and
12 a second. Myrna, would you call the roll,
13 please?

14 MS. BRUCE: Bob Curtis.

15 MR. CURTIS: Yes.

16 MS. BRUCE: Rick Treeman.

17 MR. TREEMAN: Yes.

18 MS. BRUCE: David Branecky.

19 MR. BRANECKY: Yes.

20 MS. BRUCE: Laura Worthen.

21 MS. WORTHEN: Yes.

22 MS. BRUCE: Jerry Purkaple.

23 MR. PURKAPLE: Yes.

24 MS. BRUCE: Gary Martin.

25 MR. MARTIN: Yes.

2 MS. BRUCE: Sharon Myers.

3 MS. MYERS: Yes.

4 MS. BRUCE: Thank you.

5 MS. MYERS: Now we re entering
6 into the public rulemaking hearings, and I
7 will turn it over to Beverly.

8 MS. BOTCHLET-SMITH: Good
9 morning. I m Beverly Botchlet-Smith, I m
10 the Assistant Director of the Air Quality
11 Division. I ll be serving as protocol
12 officer for today s hearings.

13 The hearings will be convened by the
14 Air Quality Council in compliance with the
15 Oklahoma Administrative Procedures Act and
16 Title 40 of the Code of Federal
17 Regulations, Part 51, as well as the
18 authority of Title 27A of the Oklahoma
19 Statutes, Section 2-2-201, Sections 2-5-101
20 through 2-5-118.

21 These hearings were advertised in
22 the Oklahoma Register for the purpose of
23 receiving comments pertaining to the
24 proposed OAC Title 252 Chapter 100 rules as
25 listed on the Agenda and will be entered

1 into each record along with the Oklahoma

2 Register filing. Notice of Meeting was
3 filed with the Secretary of State on
4 December 5, 2005. The Agenda was duly
5 posted 24 hours prior to the meeting at
6 this facility and at the DEQ.

7 If you wish to make a statement, it
8 is very important that you complete the
9 form at the registration table, and you
10 will be called upon at the appropriate
11 time. Audience members, please come to the
12 podium for your comments, and please state
13 your name.

14 At this time, we will proceed with
15 what s marked as Agenda Item Number 5A on
16 the Hearing Agenda and that is OAC 252:100-
17 1, General Provisions; OAC 252:100-8,
18 Permits for Part 70 Sources; OAC 252:100-
19 37, Control of Emission of Volatile Organic
20 Compounds and OAC 252:100-39, Emission of
21 Volatile Organic Compounds in Nonattainment
22 Areas and in Former Nonattainment Areas.

23

24 Mr. Max Price of our staff will give
25 the presentation.

11

1 MR. PRICE: Madam Chairman,

2 Members of the Council, ladies and
3 gentlemen.

4 These proposed amendments to the
5 definition Sections 1-3, 8-1.1, 37-2 and
6 39-2 are being undertaken to clarify and/or
7 remove redundant definitions from Chapter
8 100. Among the proposals are expanded
9 definitions for particulate matter (PM) and
10 a refined definition for Volatile Organic
11 Compounds (VOC).

12 We are proposing to add the
13 definitions found in 40 CFR, Part 51,
14 subpart A, Appendix A for filterable and
15 condensable PM. These definitions are
16 being added to clarify the Departments
17 policy of including the "back half", which
18 is otherwise known as condensable PM in
19 emission calculations for stack test
20 utilizing Method 5, found in 40 CFR,
21 Appendix A. This is being done to show
22 compliance with state particulate matter
23 emission regulations.

24 This is the second time for the
25 Council to consider these proposals. We

1 ask that the Council vote to send these

2 proposals to the Environmental Quality
3 Board with a recommendation that they be
4 adopted as permanent rules. Thank you.

5 MS. BOTCHLET-SMITH: Do we have
6 any questions or comments from the Council?

7 MS. WORTHEN: Yes. Is that one
8 subchapter 37 in there; right?

9 MR. PRICE: Yes, ma am.

10 MS. WORTHEN: The definition of
11 "effluent water separator" wasn't updated.

12 MR. PRICE: No, ma am. It was
13 not. I didn't know if you asked for that.
14 And I did a review of all the federal
15 regulations and the State adopted
16 regulations, and it appears that in the --
17 well, many of the other states have adopted
18 this, almost identically, the same
19 definition that we have. Unless there is
20 something specific about it that needs to
21 be changed -- I didn't want to bring it up
22 at this time, but it will be recycled again
23 later on because we do these definitions
24 every year. I needed more information from
25 you really before I could change that.

1 MS. WORTHEN: Well, it's been an

2 interpretation issue with enforcement
3 wanting to interpret 210 barrel contact
4 tanks as effluent water separators because
5 you ll have the water in of condensate.

6 MR. PRICE: Well, EPA s
7 definition is very much different than what
8 we have in our rule, it really is. And it
9 could be interpreted that way. But like I
10 said, there are other states who also
11 interpret the rule that way. So it s going
12 to take a little more study to see what s
13 unintended consequences before we change
14 that definition. It s been in use for a
15 long time. But it might be -- I wasn t
16 aware of any enforcement issues or anything
17 like that.

18 MS. WORTHEN: But it did have
19 some (inaudible). I know that they had
20 worked with enforcements trying to settle
21 some of -- or work some of that out but
22 that was not the intent of that
23 interpretation. But it has been an issue
24 of late.

25 MR. PRICE: I understand the --

1 now I understand the concern about it. As

2 I said, in -- I've looked at other states
3 SIPs and that definition is almost
4 identical except that they do mention
5 instead of VOCs, they mention petroleum or
6 oil or this kind of terminology. And by
7 using VOCs, I think, you make it a little
8 more less strict, actually because we're
9 only talking about the Volatile Organic
10 Compound.

11 So, like I said, there's probably
12 some things that could be done to make that
13 better and make it more like EPA's
14 definition. And we're looking into that.
15 But we've got to make sure that we don't
16 change the definition that causes more
17 problems down the road.

18 MR. TERRILL: What you might do
19 is just make a proposal, and we'll take
20 that up and bring it back to the Council.
21 Make a specific proposal and language
22 change.

23 MR. PRICE: Absolutely.

24 MR. TERRILL: Have you already
25 done that?

1 MS. WORTHEN: Yes. It's in the

2 email that I don t have with me. That s
3 what I was looking for.

4 MR. TERRILL: Did you send it to
5 Grover?

6 MS. WORTHEN: I sent it to you.

7 MR. TERRILL: You did?

8 MS. WORTHEN: For the last
9 Council meeting.

10 MR. TERRILL: I would have sent
11 it to Grover, then.

12 MS. WORTHEN: I think I sent it
13 to Grover, as well, before the last Council
14 Meeting, but I did make a specific
15 suggestion on that. And I was looking in
16 the Minutes to see if it was in here, but
17 it s not.

18 MR. TERRILL: Dawson is going to
19 bail me out.

20 MR. LASSETER: I ve got that at
21 the office. I ve got that language that
22 you sent, because I got your email.

23 MS. WORTHEN: Okay. I was going
24 to say, I did send specific language.

25 MR. PRICE: Sorry, I never got

1 it.

2 MS. NORTHEN: Sorry.

3 MR. PRICE: That s all right.

4 MS. BOTCHLET-SMITH: Do we have
5 questions from the Council?

6 MR. BRANECKY: Yeah. In
7 Subchapter 8, the definition of actual
8 emissions, you ve added the word, "any".

9 MR. PRICE: I m sorry.

10 MR. BRANECKY: Subchapter 8,
11 under the definition of actual emissions,
12 you ve added the word, "any" regulated air
13 pollutant.

14 MR. PRICE: Yes, sir.

15 MR. BRANECKY: Why is that?

16 MR. PRICE: Well, if you look at
17 this definition -- and this has shown up a
18 couple of times -- some people were
19 interpreting this, because of our 40 ton
20 rule, to mean aggregate of all the
21 emissions. The way you could read that,
22 their actual emissions. I added "any" to
23 indicate that we re talking about each
24 regulated air pollutant in that context.

25 MR. BRANECKY: Subchapter 5

1 defines actual emissions but it doesn t say

2 "any". Do you need to change that also in
3 Subchapter 5?

4 And it s not in the packet anywhere
5 but --

6 MR. PRICE: Oh, okay.

7 MR. BRANECKY: -- in Subchapter 5
8 the definitions we talked about regulated
9 actual emissions.

10 MR. PRICE: Yes, sir. That s
11 going to be changed, as well, I m sure.
12 That was on my to-do-list.

13 MR. BRANECKY: Okay.

14 MR. PRICE: Yeah. It will be
15 consistent.

16 MR. BRANECKY: Okay.

17 MS. BOTCHLET-SMITH: Other
18 comments?

19 MR. BRANECKY: Well, I think
20 there is still some issue, at least, with
21 the definition of particulate matter,
22 having both filterable and condensable.
23 And I guess in relationship to Subchapter
24 19, at least for me, it s still to me not
25 clear, when Subchapter 19 was developed,

1 whether it was -- to show compliance with

2 19 was to include both filterable and
3 condensable. And so I guess at this point
4 I need some clarification. Is that -- can
5 somebody tell me that when Subchapter 19
6 was developed what it was based on? What
7 those numbers were?

8 MR. PRICE: That is -- I may be
9 speaking out of turn, you can interrupt me
10 if I m wrong, okay, but we are looking in
11 to that. The trouble is, when we passed
12 this rule in the 70s, there is not much
13 documentation of what was really going on.
14 So, what we re having to do is go back and
15 look at stuff we can find from EPA and
16 various other sources, and see what their
17 thought processes were. And it s going to
18 take some time to clarify this, I think.
19 We have a good start at it, but we haven t
20 quite finished. We still haven t found all
21 the documentation we need to find.

22 MR. BRANECKY: So, I guess I
23 would be a little reluctant to pass
24 anything until we get that clarified, in my
25 opinion.

1 MS. MYERS: I agree.

2 MS. WORTHEN: I agree.

3 MR. PURKAPLE: I think at the
4 last Council Meeting, too, there was some
5 concern by facilities who may have been
6 under the impression that compliance was
7 demonstrated with only the front half. And
8 now with the change in definition it could
9 pull them out of compliance. I don't know
10 whether you all had worked the issues about
11 what we would do with those facilities that
12 might find themselves in that situation,
13 if in fact, the permit actually was
14 developed with the understanding that
15 (inaudible).

16 MR. TERRILL: Well, Dawson took a
17 look at -- and Max took a look at the
18 facilities -- a number of facilities that
19 might be caught in that. We think it's
20 what, Dawson, seven -- seven or eight?

21 MR. LASSETER: Actually, it's
22 probably -- I looked at it in two different
23 ways. Do you want me to explain them?

24 MR. TERRILL: Yes, please.

25 MR. LASSETER: I'm Dawson

1 Lasseter. Yeah, I looked at this issue

2 from two different standpoints in order to
3 look at the permits and then to look at the
4 facilities themselves. And it looks like
5 that most of the facilities are not going
6 to have this problem or this confusion but
7 there may be between 17 and 24 out of the -
8 - I think there is twenty-four hundred --
9 there is 4,251 facilities. So it s three
10 percent at the most. Or, I m sorry, six-
11 tenths of a percent, at the most.

12 These are major, or synthetic minor
13 facilities. There are 783 of those. So the
14 biggest number is three percent of the
15 facilities that may need another look at
16 the permit.

17 There is a scenario that is a little
18 complicated that would explain the way a
19 lot of the permits are written. I ll give
20 it to you and I ll try to go slowly because
21 it is complicated.

22 One of the facilities that is
23 representative of this situation, for
24 instance, reported stack test results that
25 were .012 pounds per MMBTU. The Subchapter

2 pounds per MMBTU. It s a magnitude higher.
3 The NSPS -- it s subject to NSPS --
4 allowable was .1. So the .1 is between the
5 stack test and the Subchapter 19 allowable.

6 The permit rider assigned an
7 allowable of .1, and then said in the
8 permit, in order to show compliance with
9 NSPS use Method 5, which is a front half
10 only. The point being at .012 emissions,
11 even if the back half was three times the
12 front half, you wouldn t come any place
13 close to going over the NSPS allowable,
14 much less Subchapter 19 allowable.

15 There was nothing said in the permit
16 about the fact that if you make a change
17 that is PSD or Title V, you have to report
18 100 percent of your emissions, all of your
19 emissions, to determine whether you have a
20 PSD applicable or Title V. If you report
21 to emission inventory, you re supposed to
22 report all of your emissions.

23 Now, whether or not the permit
24 should have reminded everybody of that
25 point or not, is questionable. If you re a

1 Title V or PSD facility, you really should

2 know that you need to be reporting all of
3 your emissions. That is probably where the
4 confusion comes in, and that is what I was
5 looking for when I did these statistics.

6 We administered two federal
7 programs. One is the construction, PSD
8 program; the other is the Title V operating
9 program. And in both of those programs,
10 regardless of what you do with Subchapter
11 19, you need to report 100 percent of your
12 PM emissions for those programs.

13 I looked at Subchapter 19 and, of
14 course, I wasn't here when it was passed,
15 so I don't know what they were thinking,
16 but the largest boilers -- coal fired
17 boilers in this state are 54 -- 5,500 MMBTU
18 per hour, boilers. That would give them a
19 .12 allowable as opposed to the NSPS, which
20 is .1. So it's a 20 percent higher
21 allowable than the NSPS, if they're subject
22 to that. So whether or not, originally,
23 there was an intent to include back half or
24 not, it is larger than NSPS, which you can
25 show compliance by only doing the front

1 half.

2 I hope I didn't make that so
3 confusing that --

4 MR. PURKAPLE: I also have a
5 question about the comment about Method 5,
6 and this has been a confusing point for me,
7 both at the last meeting and it even
8 continues now and that is, it seems to be
9 that when we say Method 5 we -- what has
10 been stated is that it is a front half test
11 only. And yet Method 5, specifically,
12 section 6.1.8 there is a notation -- Max, I
13 think you made reference to this at the
14 last meeting --

15 MR. LASSETER: Yeah, there is.

16 MR. PURKAPLE: -- and it says
17 states could require an analysis us of that
18 back half and --

19 MR. LASSETER: Right.

20 MR. PURKAPLE: So my question is,
21 I guess, in Method 5 in the state of
22 Oklahoma, have we always required the back
23 half with a Method 5?

24 MR. LASSETER: Not for compliance
25 purposes with NSPS. Because you can show

1 compliance for NSPS with just the front

2 half portion. That is allowed.

3 MR. PURKAPLE: Okay. So for the
4 purpose of those issues for which there was
5 an NSPS requirement for PM, probably that
6 permit was issued with the understanding
7 that the Method 5 would be front half only.

8 MR. LASSETER: For NSPS purposes,
9 right.

10 MR. PURKAPLE: However, if I had
11 a permit that was issued because of
12 (inaudible) and there was a PM limitation
13 in there, that s probably concerned with
14 the National Engineer Quality Standard,
15 probably the PM testing required there
16 would be front half plus back half --

17 MR. LASSETER: Yes, sir.

18 MR. PURKAPLE: -- total.

19 MR. LASSETER: Yes, sir.

20 MR. PURKAPLE: Thank you. At
21 least, I think I understand.

22 MR. LASSETER: Okay.

23 MS. BOTCHLET-SMITH: Other
24 questions from the Council?

25 MR. TREEMAN: I believe you made

1 a comment that there was -- I don t

2 remember the exact number, but the
3 facilities that would be effected were both
4 synthetic minors and major sources; is that
5 correct?

6 MR. LASSETER: Yes, sir, for the
7 most part.

8 MR. TREEMAN: If the way they
9 calculate emissions for permitting purposes
10 changes, and they did not include the back
11 half emissions, would that take some of
12 those synthetic minors into the major
13 source category?

14 MR. LASSETER: It s possible.
15 So, like I said, they re probably 25 or so
16 that maybe we need to look at again or
17 maybe, the operator needs to look at again,
18 just to be sure.

19 MS. MYERS: Dawson, are you
20 going to send some kind of notification to
21 these facilities that --

22 MR. LASSETER: Well --

23 MS. MYERS: -- they may need to
24 be looking at them all.

25 MR. LASSETER: -- I m not going

1 to guarantee that I found all, out of the

2 4,251. I tried to, but that s a pretty
3 tough job. I don t like going through all
4 the permits, it takes a while. So I can
5 let people know if I think there s a
6 problem but that doesn t mean that there s
7 not something out there that I missed.

8 MS. MYERS: Right.

9 MR. TERRILL: What we ll try to
10 do is identify those that are readily
11 (inaudible) and do some sort of exercise to
12 let them know that we need to discuss their
13 permit. The rest of them, we re going to
14 be looking at when they do their renewal.
15 I mean, this is not -- we re not looking
16 for an enforcement issue here, we re
17 looking to make sure that everybody
18 understands what we believe we ve always
19 required and move forward from that. We
20 just want the most accurate data possible
21 and we believe the only way you can do that
22 with PM is to have front and back half.

23 MR. PURKAPLE: Eddie, is there a
24 way of adding more than just language to
25 the definition, such that the regulating

1 community as they read Subchapter 19, it s

2 clear to them that compliance with 19, is a
3 front half, back half?

4 MR. TERRILL: Sure. We can make
5 that kind of (inaudible).

6 MR. PURKAPLE: I don t know
7 whether that would be helpful or not. That
8 certainly states in there what the intent
9 is.

10 MR. TERRILL: We ve developed
11 some language that we re putting in the --
12 it s going to be in the standard
13 conditions; isn t it, Dawson?

14 MR. LASSETER: Uh-huh.

15 MR. TERRILL: So that when we do
16 the permit renewals, it s clear once and
17 for all, what s required. And we can look
18 at 19 and make those changes. I think it s
19 -- to me it s fairly clear, but I guess if
20 you were looking at this from the outside
21 you may not think it s abundantly clear.
22 But we can make those changes.

23 MR. PURKAPLE: I assume that the
24 reason for Subchapter 19 is driven by the
25 need for something from the NAAQS, National

1 Ambient Air Quality Standard. It s not an

2 NSPS issue at all even if we had it in
3 there. Is it mainly NAAQS?

4 MR. LASSETER: I think it
5 predates NSPS, so it wouldn't be an NAAQS
6 issue.

7 MS. BOTCHLET-SMITH: Okay. Just
8 before the meeting I was handed some
9 written comments from Rusty Kroll and he's
10 also given me a Notice of Oral Comment.

11 Are you going to address all these
12 written comments in your oral?

13 MR. KROLL: Yes.

14 MS. BOTCHLET-SMITH: Okay.

15 MR. KROLL: Good morning. Thanks
16 for having the meeting in such a pretty
17 place, I enjoyed the drive this morning.

18 I did hand in some brief written
19 comments today. I just received ODEQ
20 response to our prior comments on Friday,
21 so I was a little bit delayed in getting
22 something together for the meeting this
23 morning. I apologize for that.

24 And I appreciate Dawson's comments
25 on the distinction between Subchapter 19
and NSPS. I represent Public Service
Company of Oklahoma.

1 I addressed the Council meeting last

2 September, concerning the condensable
3 versus the filterable, issue. And while I
4 appreciate the efforts to work on these
5 definitions, I think we still have a
6 problem that the Council has touched on
7 today. The best way for me to address
8 that, is to talk specifically about a PSO
9 facility that is a little less than 5,000
10 million BTUs an hour, a little bit smaller
11 than Dawson mentioned. In the permit, it
12 is subject to NSPS limits for particulate
13 matter, as well as Subchapter 19. The NSPS
14 limit is on a chart and by formula around
15 .12 pounds per million BTUs. The
16 Subchapter 19 -- excuse me, the NSPS limit
17 is .10. So if you look, there is a small
18 difference between the Subchapter 19 limit
19 and the NSPS limit, with the Subchapter 19
20 being slightly larger.

21 Our data from many coal fired plants
22 throughout the country, shows that the
23 condensable fraction of PM can be a
24 substantial part of the total PM, as much
25 as three times the filterable. And what

1 that means is, if that is the case and

2 we re including in the state PM Subchapter
3 19 test, both filterable and condensable,
4 we could come out with a state limit that
5 is as much as maybe a half, maybe a third
6 of the federal NSPS on there. Now it s
7 dependant, of course, on what that fraction
8 of condensable is. But it is possible to
9 go to that extreme.

10 As I mentioned last time, if a rule
11 is passed that is more stringent than a
12 federal counterpart, there are special
13 procedural requirements that have to be
14 met, including a justification analysis and
15 submittal of the rule to the Governor and
16 the State Legislature. And I think this
17 rule has that potential because of what I
18 just mentioned.

19 We did an open records request,
20 quite some time ago, to try to figure out
21 the development of the Subchapter 19 rules
22 and what was originally intended. And ODEQ
23 responded to us, and one thing I think
24 we ve confirmed, that there is no
25 requirement in the law or the regulations,

1 at least that were produced to us, to

2 include the back half. I think that s
3 pretty clear. The only thing that was
4 produced to us to support the position the
5 back half has always been required by ODEQ,
6 is source sampling procedures and test
7 requirements. And the version I have is
8 1975. And it says under testing
9 requirements, the full train shall be used
10 except in those cases where state and/or
11 federal particulate emission standards were
12 promulgated, based on use of only the front
13 half of the sampling train.

14 So there is recognition here that
15 there are certain state standards,
16 particulate matter standards, that should
17 only be front half if that s what the
18 standard was based on. We asked for
19 information on -- specifically for fuel
20 fired units, which is applicable to our
21 facility, what the standard was based on.
22 We didn t get anything -- granted, that was
23 a long time ago, but I think there is an
24 indicator in the chart that we have in our
25 rules, in Appendix C, if you ll look at, a

1 10 million -- excuse me, 10 thousand

2 million BTUs an hour, a unit, it s exactly
3 equivalent to the federal NSPS of .1.

4 So I think in absence of anything
5 else and given the fact that condensables
6 can be a large fraction of the total PM,
7 that s some support that we intended when
8 we developed that Subchapter 19 rule to be
9 on par with the federal standard. And I
10 don t think there was any intent, that I
11 found, to be more strict than the federal
12 standard.

13 I really can t comment on the
14 application of other facilities but that is
15 the issue that we still see with the rules
16 and we would agree with a decision to put a
17 little bit more study into this and the
18 affect on the various facilities, and to
19 make sure that we re not coming up with a
20 rule that is more stringent than the
21 federal requirements. Thank you.

22 MS. BOTCHLET-SMITH: Is there
23 anyone else from the public wishing to
24 comment?

25 Mike Peters.

1 MR. PETERS: Good morning. My

2 name is Mike Peters, and I m with Ryan,
3 Whaley and Coldiron. I mimic Rusty s
4 concerns and I also submitted comments
5 previously and asked some specific
6 questions. The DEQ has filed a response to
7 those questions, but in my opinion there
8 are several issues that are still
9 outstanding.

10 Mr. Terrill, earlier, indicated that
11 the DEQ is not seeking to initiate
12 enforcement actions for those facilities
13 that are found to exceed their permit
14 limits because condensables were not
15 included when the permits were issued.

16 I would like to see, or know, before
17 the rule is passed, what procedures will be
18 followed for those facilities that did not
19 identify condensable particulate matter
20 that -- condensable particulate matter is
21 not included in their permit limit and they
22 haven t previously reported condensable
23 particulate matter.

24 There are instances where there may
25 have been modifications that trigger PSD or

1 Title V and how specifically will those

2 facilities be treated by the DEQ, by EPA,
3 with regard to this change in the
4 definition of particulate matter. Thank
5 you.

6 MR. TERRILL: Well, I want to
7 address that it s a little bit disturbing
8 that the revelation is that we ve got some
9 facilities that are under-reporting their
10 emissions by a factor of three. And maybe
11 we need to take a look at these facilities
12 and just see what is the public health
13 impact of emissions that we weren t
14 apparently aware of. I still think they
15 had a requirement to disclose those
16 emissions as part of their emissions
17 inventory. Maybe we need to re-think our
18 enforcement stance on this. Maybe it s a
19 lot greater than I thought and maybe we do
20 need to hold this over so we can take a
21 look and just see what does need to be done
22 about that because that s -- I don t think
23 we thought there was that big of a fraction
24 in the uncondensables. But at the end of
25 the day, what we tell the public that

1 they re being exposed to, should be

2 accurate. If we've got facilities that are
3 not reporting their actual emissions by
4 that great of a degree, that's a problem.
5 So maybe we do need to take a little bit
6 different stance than what we've taken in
7 the past. I don't think we're requiring
8 anything than what's always been required.
9 But at the end of the day, what we're
10 really talking about here, is what are we
11 telling the public that they are being
12 exposed to. If it's that big of a problem
13 with some of these facilities maybe we need
14 to take a harder look at them, maybe we
15 haven't been quite as stringent in taking a
16 look at some of these issues that we should
17 have.

18 So we can hold it if you want and
19 we'll proceed down several paths.

20 MS. BOTCHLET-SMITH: Are there
21 any other comments from the Council?

22 MR. BRANECKY: Obviously,
23 Subchapter 19 was developed on some basis.
24 Is there any way we can go back and
25 reevaluate those numbers or recalculate

1 those numbers based on protection of public

2 health? I mean there s some formula that
3 they used to come up with those numbers,
4 some how, they just didn t pull them out of
5 the air.

6 MR. PRICE: That s what I m
7 researching.

8 MR. BRANECKY: Okay.

9 MR. PRICE: And it s all in
10 bitmap and (inaudible) archaic files with
11 EPA and --

12 MR. BRANECKY: Well, can we maybe
13 forget the past and if you want, look at
14 where we re at now and what you need to
15 protect public health and come up with some
16 --

17 MR. TERRILL: We can do that as
18 far as establish limits, but it s still not
19 going to change the fact that the back half
20 condensables is required to determine your
21 total PM emission. That is not going to
22 change. And we want that data, we expect
23 it to be turned in from every facility,
24 every year.

25 We can look at all this other stuff

1 in the context of however the Council

2 chooses, and we can take a look at
3 Subchapter 19, but that s still not going
4 to change our position that condensables
5 have always been required and always will
6 be required. That position is not going to
7 change, not tomorrow, not a year from now.
8 But we can look at any of the other rules
9 and make those determinations as to what --
10 they should be going forward.

11 I think it s going to be awful
12 difficult to try to reconstruct what
13 happened though, because you all know, if
14 you ve done very much research in the past,
15 there are no records. We didn t do a very
16 good job 25 years ago like we do now, of
17 making sure what we do in these meetings is
18 taken care of and recorded. So we can try
19 to reconstruct what happened, but it may be
20 difficult to do.

21 But looking forward, that s
22 perfectly reasonable.

23 MS. BOTCHLET-SMITH: Do we have
24 other comments from the public?

25 MS. BEVERS: I do.

2 Just a brief, I think, point. As I've been
3 studying research on the condensable
4 fraction to get a grip on how this all
5 developed through the rulemaking process
6 since the '70s, my concern is, it seems
7 like the variability of that test method
8 for condensables, my understanding is,
9 that's why it was originally excluded from
10 the NSPS total particulate number. And
11 also back in the '70s different types of
12 industries -- the NSPS limit was reduced
13 because it was going to exclude the
14 condensables in different amounts for
15 different industries.

16 So I guess I just request if you're
17 going to be evaluating that to look -- to
18 find out what's the current state of a
19 technology of analyzing the condensable
20 fraction. You know, we've talked about --
21 I read about pseudo-particulates, we don't
22 really know what that amount is. And if we
23 are going to require that -- I think that's
24 the confusion, it was excluded from NSPS
25 because of the inaccuracy of the test

1 method and that was carried forward. If

2 test methods are more accurate now, which
3 it looks like there is more data on that
4 now than there was then, to me, maybe it
5 should be looked at by industry and then
6 also reported separately. So over time, we
7 can -- don't just lump it into one number
8 so we can see if there is a big variability.
9 Just a suggestion. Thank you.

10 MS. BOTCHLET-SMITH: Max, did you
11 want to restate the staff's recommendation?
12 I don't recall hearing any.

13 MR. PRICE: Okay. Yes, ma'am.
14 No problem. I wrote it down.

15 We ask that the Council vote to send
16 these proposals to the Environmental
17 Quality Board with a recommendation that
18 they be adopted as permanent rules. That
19 was our recommendation.

20 MR. BRANECKY: Is there anything
21 driving this that it needs to be passed
22 quickly or a deadline or under some need to
23 do it now?

24 MR. TERRILL: The only thing is
25 we're piled up and you know how that goes.

1 We're going to move forward with another

2 rule -- major rule in January.

3 MS. MYERS: But the next Board
4 Meeting is not until February anyway, so it
5 really wouldn't make any difference if you
6 passed it now. It's not going to --

7 MR. BRANECKY: November -- the
8 next meeting is November.

9 MS. MYERS: Do they have a
10 November meeting?

11 MR. BRANECKY: Well, if we do not
12 pass it this time, what's going to be done
13 between now and the next Council Meeting?
14 What can we expect at that next Council
15 Meeting different than what we've heard
16 today? What are we going to do?

17 MR. TERRILL: I don't know that
18 we're going to do anything except take a
19 look at some of these facilities that have
20 apparently significantly under-reported
21 their emission.

22 MR. BRANECKY: Oh, and start
23 enforcement actions?

24 MR. TERRILL: I don't know. I
25 reserve my discretionary rights -- and I'm

1 truly serious about -- we are not -- this

2 is not designed to be an enforcement
3 action. When we started this, we thought
4 this was not going to be a very big deal.
5 We thought that this was something that
6 everybody understood that if we had a
7 question that came up we were trying to
8 clarify it. So I don't know that we'll do
9 anything differently relative to this rule.
10 We will continue to look at Subchapter 19
11 and maybe bring that back to make some
12 clarifications. But we really don't think
13 that we're going to find a whole lot. So
14 when we change it we don't really know what
15 we're going to do about it.

16 MS. WORTHEN: My only hesitation
17 with it all is that Subchapter 37 is lumped
18 in.

19 MR. BRANECKY: It's an all or
20 nothing deal?

21 MS. WORTHEN: I mean there is a
22 particulate matter issue, but there is also
23 the issue for the VOCs and effluent water
24 separator, which has become an issue.

25 MR. BRANECKY: Can you pass

1 certain Subchapters and not others, or do

2 we have to pass them all? Are they all
3 tied together?

4 MR. PRICE: They are all tied
5 together because if we leave out 37 or 39
6 then we also have different definitions for
7 VOCs in those chapters. We re trying to
8 pool them and make them just one
9 definition.

10 MR. BRANECKY: Okay.

11 MR. PRICE: So this is kind of a
12 packaged deal.

13 MR. BRANECKY: Okay.

14 MR. PURKAPLE: Can we get
15 (inaudible) issue without changing the
16 definition?

17 MS. WORTHEN: The other thing
18 I ve looked at was, if you leave the
19 definition of effluent water separators the
20 way it is -- if we go to Subchapter 37-37
21 effluent water separators, if maybe we
22 added an exemption in there for saying that
23 wasn t -- or added some clarification in
24 this portion of the rule that condensate
25 storage tanks that happen to have water

1 entrained in them weren t necessarily

2 considered effluent water separators, would
3 probably be the other way to clear that up.
4 If the effluent water separator definition
5 as you say, is worded that way in most
6 places and then maybe that's where it --
7 this is where it's specific that it could get
8 pulled into controls if you meet that
9 definition.

10 MR. PRICE: And as an incidental
11 point of information on our search memory -
12 - when we're searching through all the
13 permits in the entire universe trying to
14 find these different things, I've run
15 across the fact that a lot of facilities
16 now are reporting condensate tanks in their
17 inventory and it seems to raise their
18 emissions tremendously.

19 MS. WORTHEN: Well, that is the
20 flashing issue.

21 MR. PRICE: Yeah, the flash
22 tanks, that's right.

23 MS. WORTHEN: (Inaudible). The
24 condensate storage tanks have traditionally
25 been in there but they were only using

1 working/breathing losses, not flashing

2 losses. And it was the addition of
3 flashing losses particularly as of last
4 December when all these natural gas and the
5 oil and gas productions sites added all the
6 flashing losses in is when those numbers
7 went really high and that doesn't have to
8 do with water being entrained in there,
9 that has to do with the pressure drop when
10 you're going into the tank and you've got
11 the VOCs flashing (inaudible).

12 MR. PRICE: Yeah, this is a
13 pretty technical area then, I would take
14 it.

15 MS. WORTHEN: Yes. It was a very
16 large area between Logan and a lot of
17 others discussion, to do the flashing issue
18 initiative.

19 MR. PRICE: These definitions
20 will come up again next year, in October.
21 That's the plan. We're going to bring our
22 definitions and any problem we have with
23 definitions, every year, to fix all these
24 problems. If Council chooses not to pass
25 this, then we have a little more time to

1 look at that. But I don't see how we can

2 do a real good technical view in that short
3 of time between now and January on this
4 particular issue, especially because of the
5 flash tank and all this other stuff. I
6 don't know. Again, we're getting into a
7 lot of areas.

8 MS. WORTHEN: I will say that
9 with the general permit, we identified
10 other issues with Subchapter 37 that were
11 in our bullet list we sent to you, too,
12 that were issues that we thought we wanted
13 to clear up in 37 in and of itself.

14 MS. MYERS: It sounds to me like
15 there is enough issues of concern that we
16 really should carry this over until the
17 January meeting to have a chance to look at
18 some more of them.

19 MR. TERRILL: Dawson.

20 MR. LASSETER: Well, are your
21 recommendations in the email you sent -- is
22 that the language that you want -- you're
23 proposing to us? I mean --

24 MS. WORTHEN: That was the
25 proposal for changing the definition of

1 effluent water separator. If, as you're

2 saying, that effluent water separator
3 definition is the same every where else,
4 then maybe it s in where we require
5 controls for effluent water
6 separators, that it needs to be a
7 clarification there, that the intent was
8 not at a condensate that storage tank. And
9 that might be the more appropriate place.
10 After you said that, I went and looked at
11 the rule and that might be a more
12 appropriate place to clear up that issue.

13 MR. LASSETER: That s kind of
14 where I was going. I m not sure where the
15 fix needs to be. But I do agree that
16 condensate tank is not an effluent water
17 separator. It doesn t receive effluent
18 water.

19 MS. WORTHEN: That is correct.

20 MR. LASSETER: I mean, goodness.
21 But I don t know exactly what the fix is.
22 I m not sure.

23 MS. WORTHEN: Right. I mean
24 that s right. Like you said, there may be
25 other issues. If we just change the

1 definition like I proposed, then maybe

2 that s where it needs to be.

3 MR. PRICE: And like I said, I
4 have done a search on other state rules and
5 I do find this definition showing up in
6 other state SIPs. Like I say, almost
7 identical. Slightly changes in wording.
8 They use oil and petroleum instead of VOCs.
9 So other states, if this is a problem for
10 us it s also for them, I suppose.

11 (Multiple conversations with Council)

12 MS. WORTHEN: The issue
13 (inaudible) --

14 MR. PRICE: Right.

15 MS. WORTHEN: -- where you appear
16 to get sucked in by (inaudible).

17 MS. BOTCHLET-SMITH: Is there any
18 other comments?

19 MR. TREEMAN: Are you ready for a
20 Motion?

21 I m, you know, sitting here and
22 listening to all the comments. I honestly
23 think we probably ought to send this back
24 and revisit it at the next meeting. I know
25 that s --

1 MR. BRANECKY: I guess my

2 question is --

3 MR. TREEMAN: I know that it s
4 not going to make everybody happy and
5 nothing we do is going to make everybody
6 happy but I ve heard a lot of comments that
7 are -- these are all tied together, we
8 can t work on them separately, so I think
9 we probably ought to pass this on and carry
10 this over to the next meeting.

11 MR. BRANECKY: And I don t
12 necessarily disagree, but I guess my
13 question is, besides Laura s concern with
14 the VOCs, what are we going to get at the
15 next Council Meeting that we don t have
16 today from DEQ with respect to the
17 filterable condensable issue? Are we going
18 to get anything different?

19 MR. TERRILL: I don t think we
20 plan on doing anything different, no. So
21 you can either pass it and we ll come back
22 and look at 37 -- and I think there s
23 probably some discretionary things that we
24 can do between now and October. I think we
25 may have had a disagreement in-house with

1 how we interpret that rule and I think that

2 issue can be resolved in-house. And I
3 don't think we would be opposed to making
4 changes that they are talking about.

5 Are you aware of any compliance
6 issue that are -- revolve around this issue
7 that are out there pending?

8 MS. WORTHEN: I believe in the
9 in-house interpretation you all managed to
10 get most of those dropped. There were --
11 as of the last meeting we had with Grover,
12 I know Angie said there were still some --
13 or (inaudible), one of them told me they
14 thought their latest issue with it had been
15 cleared up for the moment. I just don't
16 want it -- I'd prefer to see something in
17 writing. I don't want to come back to this
18 in three years.

19 MR. TERRILL: I understand. Your
20 prospectively looking at it, not
21 necessarily as what's happening right now.

22 MS. WORTHEN: My understanding,
23 from talking to people, is that there is
24 nobody right now who has a pending
25 enforcement, because of this issue. Those

1 have been worked out.

2 MR. TERRILL: So we can either
3 fix this between now and October or we can
4 fix it and come back. Whatever the
5 Council's pleasure is. But we're not going
6 to do anything different with the
7 condensable issue, than what you've got
8 before you.

9 MR. BRANECKY: We're clarifying -
10 - you're saying you're clarifying the
11 filterable condensable issue and it was
12 unclear before, but you're saying that
13 you're going to possibly start enforcement
14 action for those facilities that have not
15 reported both filterable condensables, even
16 though it was unclear? And nobody -- DEQ
17 took 20 years to clarify it?

18 MR. TERRILL: Actually, I don't
19 think we've taken that long. I think this
20 has come up eight or nine years ago and we
21 thought we had, again, taken care of it.
22 But, again, if there -- we really don't
23 believe that it's that degree of non-
24 reporting. If there is, though, we need to
25 evaluate what that might do to the NAAQS.

1 And there are other issues that I'm

2 concerned about relative to making sure
3 that our data is correct.

4 To be honest with you, my biggest
5 concern with back half is not with power
6 plants, it s with other facilities that
7 have back half issues. But I want our data
8 to be accurate. And we believe we ve
9 always -- how can you provide a correct
10 emissions inventory that requires PM to be
11 disclosed that doesn t include both front
12 and back half. I don t understand how you
13 do that. And if there has been
14 significantly under-reporting, then we need
15 to evaluate what the impacts are and how
16 that will impact PSD. If it s not a PSD
17 problem then we can fix the (inaudible).

18 MS. BOTCHLET-SMITH: I m sorry,
19 Rusty, I can t recognize you because we
20 have a Motion on the table and we either
21 need a second, an amendment, or a
22 withdrawal to open it back up to
23 discussion.

24 MS. MYERS: At this point we have
25 a Motion to continue this discussion to the

1 January meeting. That s the Motion that s

2 on the table. Do we have a second or do we
3 have -- what does Council want to do?

4 MR. BRANECKY: I'll second.

5 MS. MYERS: Okay. So we have a
6 Motion to carry it over to the January
7 meeting and a second. Myrna.

8 MS. BRUCE: Bob Curtis.

9 MR. CURTIS: No.

10 MS. BRUCE: Rick Treeman.

11 MR. TREEMAN: Yes.

12 MS. BRUCE: David Branecky.

13 MR. BRANECKY: Yes.

14 MS. BRUCE: Laura Worthen.

15 MS. WORTHEN: Yes.

16 MS. BRUCE: Jerry Purkaple.

17 MR. PURKAPLE: Yes.

18 MS. BRUCE: Gary Martin.

19 MR. MARTIN: Yes.

20 MS. BRUCE: Sharon Myers.

21 MS. MYERS: Yes.

22 MS. BRUCE: Motion passed.

23 MR. TERRILL: I would like some
24 direction from the Council. Do you want us
25 to try to fix -- come back with 37 or not?

1 But that's all we're going to come back

2 with; right? That you re expecting?

3 MR. BRANECKY: Weren t you doing
4 some more research on the basis for 19?

5 MR. TERRILL: I don t know if
6 we ll have that done yet or not, and that
7 would require opening up a section that s
8 not opened up -- open right now. And we
9 may want to fix that along with some other
10 fixes we need to make for the NOx rule and
11 some other things. So we ll begin to look
12 at it. I can t guarantee that we ll be
13 ready to do that -- bring that to you with
14 those. If we re going to try to redo that
15 whole table, then that may require some
16 modeling and some other things that we
17 don t have the capability of doing in three
18 months, because of our regional haze work
19 that we re doing. We may -- we ll commit
20 to do that, but we may not be able to get
21 it back to you in January. But we ll look
22 at 37 and see if we can.

23 MS. WORTHEN: Like I said, it may
24 be in the definition and it may be in the
25 specific (inaudible).

1 MR. TERRILL: That may be a

2 fairly easy fix.

3 MS. MYERS: Okay. Let s keep

4 going. Keep on trucking.

5 (End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 5B

HELD ON OCTOBER 18, 2006, AT 9:00 A.M.

IN BROKEN BOW, OKLAHOMA

* * * * *

MYERS REPORTING SERVICE
Christy A. Myers, CSR
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MAX PRICE - AQD

MATT PAQUE - LEGAL

BEVERLY BOTCHLET-SMITH - AQD

MORRIS MOFFETT -AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: All right.

The next item on the Agenda is number 5B;
OAC 252:100-2, Incorporation by Reference;
OAC 252:100-4, New Source Performance
Standards; OAC 252:100-40, Control of
Emission of Friable Asbestos during
demolition and Renovation Operations; OAC
252:100-41, Control of Emission of
Hazardous Air Pollutants and Toxic Air
Contaminants; and Appendix Q, Title 40,
Code of Federal Regulations, Incorporation
by Reference.

And again, Mr. Max Price will give
the staff presentation.

MR. PRICE: Madam Chairman,
Members of the Council, ladies and
gentlemen.

These proposed amendments are being
undertaken to assure that all references to
the Code of Federal Regulations in Chapter
100 have incorporation dates.

To this end, Subchapter 2,
Incorporation by Reference, and a new

Appendix Q, Title 40, Code of Federal Regulations Incorporation by Reference, are being added to Chapter 100.

Subchapter 4, New Source Performance Standards, is being revoked as the proposed Subchapter 2 and Appendix Q supplant its requirements.

Subchapter 41, Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants, is also being revoked because its provisions with the exception of Section 41-16, Asbestos, are being rendered redundant with the adoption of Appendix Q; and the addition of Subchapter 42, Control of Toxic Air Contaminates.

The provisions of Section 41-16 are being replicated in a new Subchapter 40, Control of Emission of Friable Asbestos During Demolition and Renovation Operations.

This is the second time for the Council to consider these proposals. We ask that the Council vote to send these proposals to the Environmental Quality Board with a recommendation that they be

adopted as permanent rules. Thank you.

MS. BOTCHLET-SMITH: Questions from the Council?

MR. BRANECKY: I guess I had a comment on Subchapter 2, after I read that again, specifically in 2-3(b)1. To me that was a little confusing. I guess it's the title of Appendix Q that is confusing to me.

It says, in the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q, Title 40, Code of Federal Regulations, Incorporation by Reference.

When I read that, it made me think Appendix Q was in Title 40, Code of Federal Regulations.

MR. PRICE: Okay.

MR. BRANECKY: So I guess what I would suggest is that we just call it Appendix Q.

MR. PRICE: Okay. I see what you're talking about.

MR. BRANECKY: And I guess another question I had, it states on a specific Subchapter of this Chapter. And even in Number 2 it uses the word specific about four times. Is there a reason for having to be so specific?

MR. PRICE: Well, aside from the -- I noticed that, too, I understand that particular comment.

Well, right now what the goal is here, eventually we re going to pull all the incorporation be references and get -- where they are in the various Subchapters. We re doing that process now. We re going through and making sure that we have copies of all of those that incorporated as a specific date and we re also making sure that all of them have a specific date of incorporation in the rule, attached to them. It s an ongoing process. And I may have gotten a little "specific" about the "specific" because I want people to understand that if it s in a Subchapter and it has a specific incorporation date, that s the rule you use, not the one that

shows up in Appendix Q. Because the one in the Subchapter takes precedence. So that s maybe why I got a little more specific there than I meant to. And I agree that in B, inconsistencies, yeah, it would probably be better to --

MR. BRANECKY: It might just be better just to retitle with Appendix Q -- just Appendix Q and leave out the 40 CFR.

MR. PRICE: Yeah. In (B)(1) of Subchapter 2.

MR. BRANECKY: Yeah. So I would suggest that it read, "in the event that there is inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q, the more stringent requirements shall apply."

MR. PRICE: Okay.

MR. BRANECKY: I don t even know why we need, "or any specific subchapter of this Chapter."

So I would strike from -- right after Appendix Q, I d strike up to -- right

before, "the more stringent requirements shall apply." I m just trying to make it a little more simple to understand, at least for me.

MR. PRICE: Okay. If you read Appendix Q though, it says, "except as provided under OAC 252:100-2-3(b)(2)."

MR. BRANECKY: I m sorry?

MR. PRICE: Okay. If you read Appendix Q it refers back to this section. And it says, except as provided under this particular section, the following provisions, (inaudible), you see?

MR. BRANECKY: Right.

MR. PRICE: I put that -- I want to leave the subchapter in there because that s where I make that exception. Otherwise, if I strike that, then this would have no meaning and it would be open to interpretation again.

MR. BRANECKY: Further up, you talk about the requirements of this Chapter, doesn t the Chapter include all the subchapters? I don t know why we have to say a specific subchapter if we say

Chapter. I hate to get into semantic but -

-

MR. PRICE: Well, we may have it show up in different parts of the Chapter though. It may be -- I understand what you re saying but --

MR. BRANECKY: That s all right.

MR. PRICE: The new version of the NSPS may show up in a place in the Chapter, but a specific part will show up in a certain subchapter, especially with the older facilities when they do the (1)(11)(d) stuff, mostly. Incinerators comes to mind, immediately. And that s why it was worded that way.

MR. PURKAPLE: Max, I have a question --

MR. PRICE: Yes, sir.

MR. PURKAPLE: -- in Appendix Q.

MR. PRICE: Yes, sir.

MR. PURKAPLE: One of those is 61 Subpart FF next to the (b)(1) rule, National Emission Standard for Benzene Waste Operations. It has also, March 7, 1990.

MR. PRICE: Okay. Hit me again with that particular citation.

MR. PURKAPLE: That s 61, FF.

MR. PRICE: 61, FF. Okay.

MR. PURKAPLE: Most of these are just the titles from the CFR of the rule. And I don t think FF has March 7, 1990 in it.

MR. PRICE: You know, I just cut and pasted that and I m assuming that that really was in the rule.

MR. PURKAPLE: Okay.

MR. PRICE: I don t have it here to look at but I have the database. I did remember to bring the database.

MR. PURKAPLE: You might just double check that.

MR. PRICE: Yeah.

MR. PURKAPLE: A lot of these titles do have dates in them but it s in the title as well.

MR. PRICE: I had a query about that myself, come to think of it. Hold on just a second. I ll look it up, I got cut and paste right here. Just give me just a

second. Because it s exactly how it ought to be in the database.

FF, National Emission Standards for Benzene Waste Operations, period. March 7, 1990. That s not right.

FF, here we go. March 7, 1990. The date appears to be in the title.

MR. PURKAPLE: Oh, it does?

MR. PRICE: Yes, it does.

MR. PURKAPLE: Okay. Well, forget my question then.

MR. PRICE: Okay. Like I say, those dates were just cut and pasted right out of the NSPS. So if it s there, it s there.

MR. PURKAPLE: Okay. My next question is under 63, and it s D -- it s 5 (D) s --(inaudible).

MR. PRICE: 63, DDDDD.

MR. PURKAPLE: Yeah. When we did this last year I think it wasn t included because there was litigation associated with MACT.

MR. PRICE: Right.

MR. PURKAPLE: Has that all been

resolved now?

MR. PRICE: Yes, sir. I think so.

MR. PURKAPLE: So this has been delegated to the state as (inaudible) incorporation?

MR. PRICE: I don't think it's been delegated yet.

MR. PAQUE: It's kind of a co-delegation.

MR. PRICE: It's not delegated yet.

MR. PAQUE: This is just a promulgation -- we have to actually have it promulgated first, and then we have to ask EPA for delegation. So notice (inaudible) and EPA. So if we get delegation (inaudible) then all those notices waiver from (inaudible).

MR. PURKAPLE: So that will be posted in the federal register then once that --

MR. PAQUE: Yeah. The problem going with this is that all reporting notification has to at least go to EPA,

copied to the state until it appears in the federal register.

MR. PRICE: Right.

MR. PURKAPLE: I think that s all.

MS. BOTCHLET-SMITH: Any other questions from the Council?

I didn t see anyone from the public wishing to comment. Did someone change their mind and want to make a statement?

Okay. Sharon, unless anyone else on the Council has comments, you can ask for a Motion.

MS. MYERS: Okay. Do we have a Motion for this rule?

MR. BRANECKY: I d like to make a Motion with a suggested change. I still think, to me it s confusing, tying Appendix Q to Title 40, Code of Federal Regulations. So I would suggest that you change the title of Appendix Q to just Appendix Q, Incorporation by Reference. And then in 252:100-2-3(a) -- or (b)(1), just strike Title 40, Code of Federal Regulations out of that sentence.

MR. PRICE: Okay. So if I -- you want to drop -- to make sure I've got this correct, you want to drop -- you want the title in Appendix Q to say, Appendix Q --

MR. BRANECKY: Incorporation by Reference.

MR. PRICE: -- Incorporation by Reference. And we strike the Title 40, Code of Federal Regulations.

MR. BRANECKY: Out of -- yeah. 252:100-2-3(b)(1).

MR. PRICE: Okay. And do the same thing in that 3(b)(1); correct?

MR. BRANECKY: Yes.

MR. PRICE: Okay. So that would read, "Appendix Q, Incorporation by Reference"?

MR. BRANECKY: Right.

MR. PRICE: Okay. I don't see a real problem with that, if anyone else has no objection.

MS. WORTHEN: I'll second.

MS. MYERS: Okay. We have a Motion and a second with some modifications to the language describing Appendix Q and

the changes in 100-2-3(b)(1). We have a Motion and a second.

Myrna, would you call the roll?

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Motion passed.

MS. MYERS: We re going to take about a ten minute break please. And don t get in the way of the door.

(End of Proceedings)

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 5C

HELD ON OCTOBER 18, 2006, AT 9:00 A.M.

IN BROKEN BOW, OKLAHOMA

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MYERS REPORTING SERVICE

Christy A. Myers, CSR

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MAX PRICE - AQD

MATT PAQUE - LEGAL

BEVERLY BOTCHLET-SMITH - AQD

MORRIS MOFFETT - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Okay. The next item on the Agenda is OAC 252:100-5, Registration, Emission Inventory and Annual Operating Fees. And Mr. Morris Moffett will be giving the staff s presentation.

MR. MOFFETT: Good morning. I am Morris Moffett. Madam Chairman, Members of the Council, ladies and gentlemen.

The Department is proposing two amendments to Section 2 of Subchapter 5. The first will change the requirement to provide documentation for emission changes of 30 percent or more from emission inventory document. This requirement could place an unnecessary burden on the reporting community and on the Department in complying with the requirements for reporting both of the minor changes in emissions. The Department proposes to replace OAC 252:100-5-2.1(b)(2) and to renumber the subsequent paragraph (b)(4) to (b)(3) as follows:

(b)(2). The amount of the actual emissions, including quantifiable excess

emissions, and the basis for such determination. If the total actual emissions of any regulated air pollutant from a facility vary from the allowable or from the previous years s actual by more than 30 percent, the Department may require the owner or operator to provide an explanation for the difference in order to determine compliance with the Oklahoma Clean Air Act or any rule promulgated thereunder, or any permit condition prescribed or order issued pursuant thereto.

And (b)(3). For those emissions not the subject of a permit and when requested by the AQD, a list of all OAC 252:100 rules setting forth emission limitations applicable to the facility in question and the maximum yearly allowable for the facility.

The second amendment is in response to comments at the April meeting to change the due date for the annual emission inventory from March 1 to April 1 each year. The Department proposes to replace

OAC 252:100-5-2.1(a)(1) with the following:

(1) General requirements. The inventory shall cover operations during a calendar year and shall be submitted prior to April 1 of the following year. Upon receiving a written demonstration of good cause the Director may grant an extension for submittal beyond the April 1 deadline.

Notice of the proposed rule changes was published in the Oklahoma Register on September 15, 2006 and comments were requested from members of the public.

Staff asks the Council to recommend these changes to the Environmental Quality Board for adoption as a permanent rule.

MS. BOTCHLET-SMITH: Any comments from the Council?

MR. TREEMAN: On the part where it s talking about the 30 percent, and this is just a comment, what kind of time frame is this before they re asked to submit that verification and are they going to have to do that?

MR. MOFFETT: I don t think a time frame has been decided.

MR. TERRILL: It s at my discretion. And I don t mean that to be a flippant comment. It would depend on the circumstances and those sort of things. Generally 30 days before it starts.

MR. BRANECKY: I have a question on (1)(A), requirement to file an emission inventory. I think the word, "air emissions" in that first sentence, the owner or operator of any facility that is a source of air emissions, would that be more accurate to say air contaminants or air pollutants since we ve used those words before? Air emissions --

MR. MOFFETT: Contaminants?

MR. BRANECKY: Contaminants.

(Inaudible).

(Multiple inaudible conversations between Council Members and Staff)

MR. MOFFETT: Is that a change that we can make?

MR. BRANECKY: Change air contaminant --

MR. TERRILL: David, are you making that suggestion?

MR. BRANECKY: Yes, I am.

MS. BOTCHLET-SMITH: Any other comments from the Council?

Is there anyone from the public who wishes to ask a question or make a comment on this rule?

Hearing none, Sharon, would you ask for a Motion.

MS. MYERS: Rick, did you want to make a comment on the emissions inventory that we we re talking about (inaudible)?

MR. TREEMAN: Well, I can. This is probably not the most appropriate time to do it but it s going back to the first thing we put off. We put it to the next Council Meeting, but I think it would -- might behoove the agency and give industry a heads up when the emissions inventory questionnaire is mailed out or emailed or electronic communication goes out that it s reiterated to those people that have the possibility of having condensable contaminants, to make sure that both the front and back half are included in their inventories. And I think what that might

do is, it might possibly open the eyes of some people that are affected that may or may not know they re affected by this -- not necessarily a change, but by this clarification.

MR. TERRILL: Actually, I think what -- we ve already talked to Ray about putting some kind of language together in here on that. Good suggestion.

MS. MYERS: So now bvacK to this rule, is there a Motion?

MR. PURKAPLE: So moved.

MS. MYERS: With the changes that Mr. Branecky made?

MR. PURKAPLE: Yes.

MR. CURTIS: Second.

MS. MYERS: I have a Motion and a second to adopt this rule as proposed with the minor changes that Mr. Branecky suggested.

Myrna, call the roll, please.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Motion passed.

(End of Proceedings)

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL
REGULAR MEETING
ITEM NUMBER 5D

HELD ON OCTOBER 18, 2006, AT 9:00 A.M.
IN BROKEN BOW, OKLAHOMA

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MYERS REPORTING SERVICE
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18 MATT PAQUE - LEGAL
19 BEVERLY BOTCHLET-SMITH - AQD
20 MORRIS MOFFETT - AQD
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PROCEEDINGS

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MS. BOTCHLET-SMITH: Okay. The

4 next item on the Agenda is Item 5D, OAC
5 252:100-44, Control of Mercury Emissions
6 from Coal Fired Electric Steam Generating
7 Units. And again Mr. Morris Moffett will
8 give the staff s presentation.

9 MR. MOFFETT: Madam Chairman,
10 Members of the Council, ladies and
11 gentlemen.

12 The Department is proposing a new
13 OAC 252:100-44, Control of Mercury
14 Emissions from Coal-fired Electric Steam
15 Generation Units. On March 15, 2005 EPA
16 issued the Clean Air Mercury Rule (CAMR) to
17 permanently cap and reduce mercury
18 emissions from coal-fired power plants.

19 The approach EPA has taken is
20 intended to establish "standards of
21 performance" limiting mercury emissions
22 from new and existing coal-fired plants and
23 creates a market based cap-and-trade
24 program which should reduce emissions
25 nationwide. According to EPA, the rule

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1 would result in a 50 percent reduction in
2 mercury emissions from power plants by
3 2020. EPA said that when fully implemented

4 after 2020, the rule would reduce mercury
5 emissions by 69 percent.

6 In response to the federal rule, and
7 considering comments received from
8 stakeholders, the Department is proposing
9 the incorporation by reference of the
10 federal Clean Air Mercury Rule (CAMR). The
11 approach of incorporating by reference most
12 of the provisions of the model rule will
13 facilitate EPA's review of Oklahoma's rule.
14 This incorporation by reference simplifies
15 the adoption of final changes to
16 incorporated provisions of the model rule
17 since the publication date indicated for
18 the incorporated rule provisions can be
19 revised to reference an updated version of
20 the model rule.

21 The proposed rule as posted on the
22 DEQ website incorporates the model rule
23 except for 40 CFR 60.4141. That section
24 corresponds to OAC 252:100-44-5. That
25 section was opened to allow changes to two

1 due dates concerning the timing of
2 reporting mercury credit allocations to the
3 EPA. The June 9th federal register version

4 of the federal model rule contains the
5 correct dates.

6 So that s (inaudible) of exactly the
7 previous paragraph saying that simplified
8 changes in the rule.

9 After reviewing comments and having
10 discussions with stakeholders, the EPA and
11 staff, incorporation by reference of the
12 June 9, 2006 version of the model rule is
13 recommended.

14 Recent discussion between staff, the
15 EPA and stakeholders indicate there may be
16 further changes to the federal model rule.
17 There may also be court challenges to the
18 CAMR. Therefore, staff asks that the
19 Council vote to continue this hearing to
20 the January meeting.

21 MS. BOTCHLET-SMITH: Any
22 questions or comments from the Council?

23 Any questions or comments from the
24 public?

25 Hearing none, one more shot for the

6

1 Council. No comments or quesitons?

2 MS. MYERS: If there s no
3 comments or questions, I need a Motion for

4 this.

5 MR. BRANECKY: I move that we
6 continue this to the January Council
7 Meeting.

8 MS. WORTHEN: I'll second.

9 MS. MYERS: All right. Myrna.

10 MS. BRUCE: Bob Curtis.

11 MR. CURTIS: Yes.

12 MS. BRUCE: Rick Treeman.

13 MR. TREEMAN: Yes.

14 MS. BRUCE: David Branecky.

15 MR. BRANECKY: Yes.

16 MS. BRUCE: Laura Worthen.

17 MS. WORTHEN: Yes.

18 MS. BRUCE: Jerry Purkapple.

19 MR. PURKAPLE: Yes.

20 MS. BRUCE: Gary Martin.

21 MR. MARTIN: Yes.

22 MS. BRUCE: Sharon Myers.

23 MS. MYERS: Yes.

24 MS. BRUCE: Motion passed.

25 (End of Proceedings)

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C E R T I F I C A T E

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STATE OF OKLAHOMA)

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) ss:

COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the State of
Oklahoma, do hereby certify that the above
proceedings is the truth, the whole truth,
and nothing but the truth; that the
foregoing proceedings were tape recorded by
me and thereafter transcribed under my
direction, to the best of my ability; that
said proceedings were taken on the 18th day
of October, 2006, at Broken Bow, 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
19th day of October, 2006.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6

HELD ON OCTOBER 18, 2006, AT 9:00 A.M.

IN BROKEN BOW, OKLAHOMA

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PROCEEDINGS

MS. BOTCHLET-SMITH: That concludes the hearing portion. And there is another item that involves a staff presentation on Mercury Allocations.

Morris is going to give the presentation on that. This is the Proposed Mercury Allocations for Oklahoma EGU's.

MR. MOFFETT: Madam Chairman, Members of the Council, ladies and gentlemen.

This agenda item concerns the mercury emission credit allocations from the Clean Air Mercury Rule (CAMR). The proposed allocations are due to be reported to the EPA by November 17, 2006. They are posted on the DEQ website. Notice of the proposed allocation was published in the Oklahoma Register on September 15, 2006 and comments were requested from members of the public. This hearing shall serve as the public hearing to receive comments on the proposed revisions to the State Implementation Plan

Mercury budget allocations will be made in accordance with Subpart HHHH, specifically 40 CFR 60.4140-4142. The allocations will be included with DEQ's state CAMR 111d plan submittal to EPA. The Council does not need to take action on this item.

MS. BOTCHLET-SMITH: Morris, are you just taking some public comments on this today?

MR. MOFFETT: Yes.

MS. BOTCHLET-SMITH: Questions, comments? Anyone in the public have questions for Mr. Moffett?

Any Council Members present want to ask him any questions on this?

MR. MOFFETT: Thank you.

(End of Item)

CERTIFICATE

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 proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceedings were tape recorded by me and thereafter transcribed under my direction, to the best of my ability; that said proceedings were taken on the 18th day of October, 2006, at Broken Bow, 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 20th day of October, 2006.

CHRISTY A. MYERS, C.S.R.

Certificate No. 00310