

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO
OAC 252:100-1, GENERAL PROVISIONS**

**COMMENTS RECEIVED PRIOR TO THE *OCTOBER 5, 2011*
AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

Oklahoma Independent Petroleum Association (OIPA) - Letter received by email on September 28, 2011 from Ms. Angie Burckhalter, V.P. of Regulatory Affairs:

1. **COMMENT** DEQ proposes to define the term "commencement of operation" or "commencing operation" in OAC 252:100-1-3 to mean that "the owner or operator of a stationary source has begun, or caused to begin, any activity which has the potential to emit any regulated air pollutant." This would mean the 60-day period provided by OAC 252:100-7-18(a)(1) for applying for an operating permit after start of operation would begin as soon as a single emitting source was installed at a minor facility even though the site was not completely constructed. This is very problematic at oil and gas production sites during the completion process when a single or a few emitting source(s) may be constructed; however, the site has not been fully constructed until the potential of a well has been determined. The 60-day period to submit a minor source operating permit would not be adequate for the oil and gas industry and it will unnecessarily increase the paperwork for both operators of the facility and DEQ staff in amending operating permits and/or applications. This would also be problematic at non-production sites where there is phased construction, which is very common in our industry. We request DEQ delay the approval of any amendments to Subchapter 1 until the DEQ staff can address the issues identified in Subchapter 7. This would allow the regulated community the opportunity to evaluate a complete rulemaking package that includes amendments to Subchapter 1 and Subchapter 7.

RESPONSE: The DEQ staff is considering a revision to OAC 252:100-7-18(a)(1) that would increase the 60-day period to 120 days and intends to ask the Council to continue the hearing on the proposed changes to OAC 252:100-1-3 so that the proposed revisions to Subchapters 1 and 7 would occur at the same time. Further consideration will be given to the definition of "commencement of operation" or "commencing operation," taking into account comments received prior to and at the Council meeting.

United States Environmental Protection Agency (EPA) - Letter received by email on September 28, 2011 from Mr. Jeff Robinson, Chief, Air Permits Section:

2. **COMMENT:** The DEQ needs to clarify the intent of the proposed definition of "commencement of operation" and whether it specifically refers to Title V permitting only.

RESPONSE: Staff intends that the definition of "commencement of operation" or "commencing operation" apply to the whole of OAC 252:100.

3. **COMMENT:** The proposed definition appears in Subchapters 1 and 8 that refer to both operating permits and construction permits which can be confusing to the reader.

RESPONSE: DEQ is proposing to add a definition for the term "commencement of operation" or "commencing operation" to OAC 252:100-1-3 only and not to Subchapter 8. It is true that these two Subchapters apply to both operating and construction permit programs, but the proposed definition clearly applies to operation. Sections OAC 252:100-1-3, 252:100-7-1.1, 252:100-8-31, and 252:100-8-51 in the existing Air Pollution Control Rules all contain definitions for the term "commence", but in each definition it is clear that the term "commence" refers only to commence construction and not to commence operation. Oklahoma's SIP approved Air Pollution Control Rules 1.4.4(b)(9), 1.4.5(b)(10) and OAC 252:100-8-1.1 also contain definitions of "commence" but again it is clear in each definition that it applies only to construction.

4. **COMMENT:** DEQ should clarify that the proposed revisions will be limited to EPA's SIP review process and will not be submitted to EPA as separate Title V program revisions.

RESPONSE: Upon promulgation, staff intends to forward this proposed revision to Subchapter 1 to EPA as a SIP revision. However, if EPA requires that the Title V Implementation Plan be updated, this revision may also be forwarded to EPA at a later date as a revision to the Title V Implementation Plan. However, the SIP revision is not intended to serve as a Title V Implementation Plan revision.