

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

**Official AQAC Approved**  
**at October 15, 2014 meeting**

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

**MEMBERS PRESENT**

Gerald Butcher  
David Gamble  
Jim Haught  
Laura Lodes  
Robert Lynch  
Sharon Myers

**MEMBERS ABSENT**

Montelle Clark  
Gary Collins  
J. Kelly Dunkerley

**DEQ STAFF PRESENT**

Eddie Terrill  
Beverly Botchlet-Smith  
Cheryl Bradley  
Rob Singletary  
Laura Finley  
Randy Ward  
Scott Thomas  
Heather Lerch  
Leon Ashford  
Brooks Kirilin  
Kendal Stegmann  
Mark Gibbs  
Joyce Sheedy  
Nancy Marshment  
Quiana Fields

**OTHERS PRESENT**

Lori Roberts, Court Reporter

**Approval of Minutes** – Ms. Lodes called for a motion to approve the Minutes of the July 17, 2013 Regular Meeting. Mr. Gamble moved to approve and Ms. Myers made the second.

*See transcript pages 5 - 6*

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

**Election of Officers** – Mr. Haught moved to approve that the Council elect Sharon Myers as Chair and Gerald Butcher as Vice-Chair. Mr. Lynch made the second. Ms. Lodes and Ms. Myers switched seats and Ms. Myers proceeded with the next agenda item.

*See transcript pages 6 – 7*

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

**OAC 252:100-17, Incinerators [AMENDED]**

Mr. Brooks Kirlin, Professional Engineer of the AQD, gave a presentation on the proposed rule. Mr. Kirlin stated the Department proposes to modify OAC 252:100-17, Part 3, General Purpose Incinerators and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust CISWI enforceable requirements and compliance dates consistent with federal requirements that were revised February 7, 2013. Hearing no discussion by the Council and none by public, Ms. Myers called for a motion to pass the rule. Ms. Lodes made a motion that the Department has recommended that the rule be approved with the two corrections to the typographical errors and Mr. Butcher made the second.

*See transcript pages 9 – 16*

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

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

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

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

Ms. Nancy Marshment, Environmental Programs Specialist of the AQD, stated the Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. Included are changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. Following questions and comments by the Council and none by the public, Ms. Myers entertained a motion to pass the rule. Mr. Gamble moved to approve the update as proposed by the Department to Subchapter 2 and Appendix Q. Ms. Lodes made the second.

*See transcript pages 16 – 22*

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

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

*See transcript page 22*

**Presentation – Impact of Executive Order 2013-34 on the Rulemaking Process** – Ms. Cheryl Bradley, Environmental Programs Manager of the AQD, gave a presentation on the Impact of Executive Order 2013-34 on the Rulemaking Process.

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

**New Business** – None

**Adjournment** – The next Regular Meeting scheduled for Wednesday, April 16, 2014 in Oklahoma City has been cancelled. The next Regular Meeting will be July 16, 2014 in Tulsa. Ms. Myers called for a motion to adjourn the meeting. Mr. Butcher moved to adjourn and Ms. Lodes made the second. Meeting adjourned at 10:50 a.m.

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

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

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TRANSCRIPT OF PROCEEDINGS  
OF THE AIR QUALITY ADVISORY COUNCIL MEETING  
ON JANUARY 15, 2014, AT 9:00 A.M.  
HELD IN OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

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REPORTED BY: LORI L. ROBERTS, CSR No. 1588

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 MEMBERS OF THE COUNCIL:</p> <p>3</p> <p>4 MR. GERALD BUTCHER</p> <p>5 MR. MONTELLE CLARK</p> <p>6 MR. GARY COLLINS</p> <p>7 MS. LAURA LODES</p> <p>8 MR. JIM HAUGHT</p> <p>9 MR. DAVID GAMBLE</p> <p>10 MR. ROBERT LYNCH</p> <p>11 MS. SHARON MYERS</p> <p>12 MR. J. KELLY DUNKERLEY</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 about an issue, then there will be a group to go to, to</p> <p>2 have a less formal sort of appeal or objective look at</p> <p>3 something and then the Agency can make sure that we feel</p> <p>4 like we're on the right path or explain things better to</p> <p>5 some folks.</p> <p>6 So I expect to do that fairly soon. And try to</p> <p>7 survive this session, see if we can get through</p> <p>8 unscathed. I'm going to play the card that I'm the new</p> <p>9 guy, you know, and it's going to take me a year to</p> <p>10 figure out the budget, so maybe we should stay level</p> <p>11 this year. And, you know, I'm going to be pretty open</p> <p>12 and accessible to folks for a while, to the degree that</p> <p>13 I can, although it's been pretty busy the first three</p> <p>14 weeks and I expect it to be pretty busy until June. So</p> <p>15 we'll see what we can do. But looking forward to it and</p> <p>16 look forward to working with you guys, and Eddie will</p> <p>17 keep me straight. Don't worry about that. So thank you</p> <p>18 all.</p> <p>19 MR. TERRILL: Thank you, Scott.</p> <p>20 Laura, turn it over to you.</p> <p>21 MS. LODES: I would like to call today's meeting</p> <p>22 to order. The first item on our agenda is roll call.</p> <p>23 Quiana?</p> <p>24 MS. FIELDS: Mr. Butcher.</p> <p>25 MR. BUTCHER: Here.</p>
<p style="text-align: right;">Page 3</p> <p>1 MR. TERRILL: I want to introduce Scott</p> <p>2 Thompson. He's our new executive director as of about</p> <p>3 three weeks ago, and I thought he might want to say just</p> <p>4 a little bit before he has to go and do other things and</p> <p>5 we start our meeting.</p> <p>6 So, Scott, it's all yours.</p> <p>7 MR. THOMPSON: How are you doing? I'm Scott</p> <p>8 Thompson. I've been with the Agency or the State of</p> <p>9 Oklahoma essentially since '84, mostly in the Superfund,</p> <p>10 hazardous waste world, solid waste, and I'm looking</p> <p>11 forward to the challenge. Eddie tricked me into taking</p> <p>12 this job. I'm starting to figure out what he has done</p> <p>13 to me in the last three weeks.</p> <p>14 MR. TERRILL: All you need to know, Scott, this</p> <p>15 is the most important Council of all of them, and the</p> <p>16 smartest Council and best-looking Council.</p> <p>17 MR. THOMPSON: This is what it's like dealing</p> <p>18 with Eddie every day.</p> <p>19 We are going to have some changes here fairly</p> <p>20 soon, some things will stay the same but we're going to</p> <p>21 try to innovate a little bit. We're going to revive the</p> <p>22 customer assistance function that the Agency started out</p> <p>23 with in '93, and put some senior staff on that and do a</p> <p>24 little more outreach type actives with folks, and maybe</p> <p>25 have an ombudsman type function. If there's a concern</p>	<p style="text-align: right;">Page 5</p> <p>1 MS. FIELDS: Mr. Clark is absent. Mr. Collins</p> <p>2 is absent. Mr. Dunkerley is absent.</p> <p>3 Mr. Gamble?</p> <p>4 MR. GAMBLE: Here.</p> <p>5 MS. FIELDS: Mr. Haught?</p> <p>6 MR. HAUGHT: Here.</p> <p>7 MS. FIELDS: Mr. Lynch?</p> <p>8 MR. LYNCH: Here.</p> <p>9 MS. FIELDS: Ms. Myers?</p> <p>10 MS. MYERS: Here.</p> <p>11 MS. FIELDS: Ms. Lodes?</p> <p>12 MS. LODES: Here.</p> <p>13 MS. FIELDS: We have a quorum.</p> <p>14 MS. LODES: Thank you.</p> <p>15 The next item on today's agenda is approval of</p> <p>16 the minutes from the July 17th, 2013, regular meeting.</p> <p>17 Do we have any comments or questions regarding the</p> <p>18 minutes?</p> <p>19 Seeing no comments or questions regarding the</p> <p>20 minutes, do we have a motion to approve the minutes?</p> <p>21 MR. GAMBLE: I move we approve the minutes.</p> <p>22 MS. MYERS: Okay. I second.</p> <p>23 MS. LODES: I have a motion to approve and a</p> <p>24 second.</p> <p>25 Quiana, please call roll.</p>

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1 MS. FIELDS: Mr. Butcher?  
 2 MR. BUTCHER: Yes.  
 3 MS. FIELDS: Mr. Gamble?  
 4 MR. GAMBLE: Yes.  
 5 MS. FIELDS: Mr. Haught?  
 6 MR. HAUGHT: Yes.  
 7 MS. FIELDS: Mr. Lynch?  
 8 MR. LYNCH: Yes.  
 9 MS. FIELDS: Ms. Meyers?  
 10 MS MYERS: Yes.  
 11 MS. FIELDS: Ms. Lodes?  
 12 MS. LODES: Yes.  
 13 MS. FIELDS: Motion passed.  
 14 MS. LODES: The next item on today's agenda is  
 15 election of officers. Do we have any discussion by the  
 16 Council for officers?  
 17 MR. HAUGHT: I would like to move that Council  
 18 elect Sharon Myers as Chair and Gerald Butcher as  
 19 Vice-Chair.  
 20 MS. LODES: I will second that.  
 21 MS. BOTCHLET-SMITH: I don't think you can  
 22 second it.  
 23 MS. LODES: I can't second it?  
 24 MALE SPEAKER: Okay. I'll second it.  
 25 MS. LODES: Okay. I have a motion and a second.

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1 Will you please call roll?  
 2 MS. FIELDS: Mr. Butcher?  
 3 MR. BUTCHER: I will abstain.  
 4 MS. MYERS: You can't.  
 5 MR. BUTCHER: I can't? Okay. I will vote yes,  
 6 then.  
 7 MS. FIELDS: Mr. Gamble?  
 8 MR. GAMBLE: Yes.  
 9 MS. FIELDS: Mr. Haught?  
 10 MR. HAUGHT: Yes.  
 11 MS. FIELDS: Mr. Lynch?  
 12 MR. LYNCH: Yes.  
 13 MS. FIELDS: Ms. Meyers?  
 14 MS. MYERS: Yes.  
 15 MS. FIELDS: Ms. Lodes?  
 16 MS. LODES: Yes.  
 17 MS. FIELDS: Motion passed.  
 18 MS. LODES: Then I will turn this over to  
 19 Sharon.  
 20 MS. MYERS: Are we shuffling or do you want to  
 21 just give me the hammer?  
 22 MS. LODES: I will let you come sit next to  
 23 Eddie so can he cough on you.  
 24 (A discussion was had off the record.)  
 25 MS. MYERS: All right. So moving on through the

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1 Agenda, we have the Public Rulemaking Hearings -- thank  
 2 you. The Public Rulemaking Hearings first on the Agenda  
 3 under that is OAC 252:100-17, incinerators.  
 4 MS. BOTCHLET-SMITH: I need to read protocol.  
 5 MS. MYERS: Okay. Well, I was going to turn it  
 6 over to you.  
 7 MS. BOTCHLET-SMITH: We're going to get this  
 8 down as we get in sync. I'm sorry, Sharon.  
 9 Before I read protocol, I do want to just make  
 10 one quick announcement. We have a new court reporter  
 11 with us today, Lori Roberts, and she doesn't know all of  
 12 us yet. And while we do have our name plates, to kind  
 13 of help her out before we get into discussion, if even  
 14 the Council as we kind of get started could announce  
 15 your name before you speak, that would really help her  
 16 for the minutes and the transcript. And, of course, I  
 17 will address this in the protocol, it's really critical  
 18 anyone, including staff, do the same.  
 19 Okay. Now I will get started. Good morning.  
 20 I'm Beverly Botchlet-Smith and I'm the Assistant  
 21 Director of the Air Quality Division, and as such I'll  
 22 serve as a protocol officer for today's hearings.  
 23 The hearings will be convened by the Air Quality  
 24 Council in compliance with the Oklahoma Administrative  
 25 Procedures Act and Title 40 of the Code of Federal

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1 Regulations, Part 51, as well as the authority of Title  
 2 27 A of the Oklahoma Statutes, Section 2-2-201 and  
 3 Sections 2-5-101 through 2-5-117.  
 4 Notice of the January 15th, 2014, hearings were  
 5 advertised in the Oklahoma Register for the purpose of  
 6 receiving comments pertaining to the proposed OAC Title  
 7 252 Chapter 100 rules as listed on the Agenda and will  
 8 be entered into each record along with the Oklahoma  
 9 Registered filing. Notice of the meeting was filed with  
 10 the Secretary of State on November 18, 2013, and the  
 11 Agenda was duly posted 24 hours prior to the meeting  
 12 here at the DEQ.  
 13 If you wish to make a statement, it is very  
 14 important to complete the form at the registration  
 15 table, and then you'll be called upon at the appropriate  
 16 time. And, again, audience members, please come to the  
 17 podium for your comments and please remember to state  
 18 your name prior to those comments.  
 19 And at this time we'll start with the Agenda  
 20 with what's marked as Agenda Item Number 5 A. This is  
 21 OAC 252-100-17, incinerators. And Mr. Brooks Kirlin who  
 22 is one of our professional engineers will be making the  
 23 presentation for staff.  
 24 MR. KIRLIN: Good morning, Madam Chairman,  
 25 Members of the Council, ladies and gentlemen. As she

<p style="text-align: right;">Page 10</p> <p>1 stated, I'm Brooks Kirlin. I'm an engineer with the Air                  2 Qualities Rules and Planning Section and I'm filling in                  3 today for Ms. Diane Henson who is ill.                  4 The Department is proposing to amend Part 9 of                  5 Subchapter 17, the portion of the incinerators                  6 subchapter that covers requirements for existing                  7 commercial and industrial solid waste incineration                  8 units, or CISWI units. For context, if you're familiar                  9 with the process for implementing NSPS, or New Source                  10 Performance Standards, you may know that the Federal                  11 Clean Air Act takes a different approach to regulating                  12 the existing facilities and corresponding industry                  13 groups. Whereas NSPS directly regulates new, modified,                  14 or reconstructed facilities through either the State's                  15 program or the Environmental Protection Agency's --                  16 Environmental Protection Agency.                  17 The Act may require States to implement a plan                  18 to regulate a group of facilities that were built before                  19 our corresponding NSPS was proposed. The EPA will then                  20 develop so-called emission guidelines for the States to                  21 adopt into their Section 111 D, Section 129 plan named                  22 after the Clean Air Act sections.                  23 Emission guidelines have been developed only for                  24 certain industry categories and have frequently been                  25 developed in tandem with the corresponding NSPS for that</p>	<p style="text-align: right;">Page 12</p> <p>1 Subchapter 17 parts that stand in place of the general                  2 purpose incinerator departments. So that's what that                  3 department is.                  4 The primary approach we have taken in the                  5 proposal for Subchapter 17 Part 9 is to replace many of                  6 the existing sections by adopting the model rule                  7 sections of Subpart Quad D, emission guidelines for                  8 CISWI units. The model rule requirements are contained                  9 in 40 CFR Sections 60.2575 through 60.2875. And we're                  10 proposing to adopt these sections by reference in                  11 Appendix Q under today's next agenda item. And then                  12 reference them in new paragraph 17-16 D.                  13 This approach is a bit different from sections                  14 -- the existing rules. Under the current structure and                  15 language of Part 9, most of the sections we adopt one or                  16 more sections of NSPS Quad C by reference as they                  17 existed on July 1st, 2002, for a related group of                  18 requirements. For instance, 17-61 adopts the                  19 definitions of 40 CFR Section 60.2265 by reference.                  20 Similarly Sections 17-64 through 17-74 adopt the                  21 corresponding NSPS Quad C sections by reference that                  22 deal with emissions and operating limits and monitoring,                  23 reporting, recordkeeping, and other requirements.                  24 In the current Section 17-60, 62, 63, 75, and 76                  25 actually spell out the applicability for 40 CFR</p>
<p style="text-align: right;">Page 11</p> <p>1 industry group. The CISWI rules currently in Subchapter                  2 17 are based on the emission guidelines in 40 CFR Part                  3 60, Subpart Quad DDDD, and the NSPS in Subpart Quad C,                  4 both originally issued in December of 2000.                  5 After years of litigation, revision, and                  6 reconsideration, EPA finalized changes to the emission                  7 guidelines for CISWI units on February 7, 2013. EPA's                  8 final rule moves the commence construction date for                  9 CISWI units to be considered existing from                  10 November 30th, 1999, the old rules, to June 4th, 2010,                  11 and covers a modification or reconstruction that                  12 commenced after June 4th, 2010, but no later than                  13 August 7 of 2013. Therefore the department is proposing                  14 modifications to Part 9 of Subchapter 17 for existing                  15 CISWI units to meet the revised requirements, emission                  16 guidelines, and compliance dates of Subpart Quad D.                  17 I'll go through the proposed Part 9 changes in a                  18 moment, but I wanted to first point out a minor change                  19 proposed for Subchapter 17 Part 3, general purpose                  20 incinerators. As suggested by that part titled                  21 Section 100-17-2 states that Part 3 applies to new and                  22 existing incinerators that are not subject to                  23 requirements for a specific type of incinerator. The                  24 minor proposed changed today would add NSPS Quad A and                  25 Quad C to the list of the various Federal standards and</p>	<p style="text-align: right;">Page 13</p> <p>1 terminology, exemptions, compliance schedules, and CISWI                  2 unit closure requirements respectively for the current                  3 -- for the corresponding standards.                  4 Note that the current rules use the NSPS Quad C                  5 section for incorporation by reference rather than the                  6 emissions guidelines in Quad D because the language is                  7 identical, and historically the emissions guidelines                  8 have not been structured in a way that would allow                  9 incorporation by reference. Our proposal would take                  10 advantage of the model rule in Subpart Quad D, which was                  11 promulgated specifically with this issue in mind.                  12 We have retained the -- retained and amended the                  13 exemption section in 17-63 since corresponding section                  14 Quad D isn't structured as part of the model rule. We                  15 have also retained and amended Section 17-74 for air                  16 curtain incinerators because the cross-references                  17 between the relating language in Quad D was confusing.                  18 We still have some and we hope our approach will clarify                  19 that a bit.                  20 I need to note two typographical errors in our                  21 proposal which we have found identified this week.                  22 First in Section 17-60 D (1), the last phrase should                  23 read "shall achieve compliance by December 1st, 2005".                  24 There is an extra "the" word that should be removed.                  25 And then secondly in 63 -- 17-63-5(D), large "D", which</p>

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1 is under the exemptions, specifically for cogeneration  
 2 facilities, the statement should read, "the owner or  
 3 operator maintains the records," and so on, and there is  
 4 just a missing "S" on the end of the word "maintain".  
 5 So you can make those corrections.  
 6 Once the Department's rules are updated to meet  
 7 the requirements of 40 CFR Part 60, Subpart Quad D, the  
 8 staff will finalize an update for Oklahoma's  
 9 Section 111-D 129 Plan for submittal to EPA as required  
 10 under 40 CFR Section 60.2505. Oklahoma's previous plan  
 11 submitted and approved in 2005 was to -- for existing  
 12 CISWI units. We have not as yet identified any  
 13 additional facilities that would be affected because of  
 14 the changes in the effective date or the requirements  
 15 themselves.  
 16 Notice the proposed rule was published in the  
 17 Oklahoma Register on December 16, 2013. We have  
 18 received one comment of support from EPA which is in  
 19 your folder during the comment period. And staff asked  
 20 that Council recommend the proposed rules to the  
 21 Environmental Quality Board for adoption as permanent  
 22 changes. Thank you.  
 23 MS. BOTCHLET-SMITH: At this time we can take  
 24 questions for Mr. Kirlin from the Council.  
 25 MS. LODES: Okay. Your first typographical

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1 correction --  
 2 MR. KIRLIN: Yes.  
 3 MS. LODES: I was trying to write, that's 17-60  
 4 D(1)?  
 5 MR. KIRLIN: Yes.  
 6 MS. LODES: And we're just taking out the word  
 7 "the" before December.  
 8 MR. KIRLIN: Correct.  
 9 MS. BOTCHLET-SMITH: Any other questions from  
 10 the Council?  
 11 Okay. I have not received anyone -- any forms  
 12 indicating that anyone from the public wish to comment  
 13 on this rule. If you would just raise your hand if  
 14 you're interested in doing that.  
 15 And seeing none, it appears there are no  
 16 comments or questions from the public. If there are  
 17 none from the Council, it's to you, Sharon.  
 18 MS. MYERS: If there's no further questions or  
 19 discussion, I would entertain a motion on what we need  
 20 to do with this.  
 21 MS. LODES: The Agency has recommended that we  
 22 approve it with the two corrections to the typographical  
 23 errors, and I move to approve it with those corrections  
 24 noted.  
 25 MS. MYERS: We have a motion. Do we have a

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1 second?  
 2 MR. BUTCHER: Second.  
 3 MS. MYERS: We have a motion and second.  
 4 Would you call roll, please?  
 5 MS. FIELDS: Mr. Butcher?  
 6 MR. BUTCHER: Yes.  
 7 MS. FIELDS: Mr. Gamble?  
 8 MR. GAMBLE: Yes.  
 9 MS. FIELDS: Mr. Haught?  
 10 MR. HAUGHT: Yes.  
 11 MS. FIELDS: Mr. Lynch?  
 12 MR. LYNCH: Yes.  
 13 MS. FIELDS: Ms. Lodes?  
 14 MS. LODES: Yes.  
 15 MS. FIELDS: Ms. Meyers?  
 16 MS. MYERS: Yes.  
 17 MS. FIELDS: Motion passed.  
 18 MS. BOTCHLET-SMITH: The next item on the Agenda  
 19 is Number 5 B. This is OAC 252:100-2 incorporation by  
 20 reference as well as Appendix Q. Ms. Nancy Marshment,  
 21 one of our environmental program specialist, will be  
 22 giving the staff presentation.  
 23 MS. MARSHMENT: Good morning, Madam Chair,  
 24 Members of the Council, ladies and gentlemen. I'm Nancy  
 25 Marshment, Environmental Program Specialist with the Air

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1 Quality Division. The Department is proposing to update  
 2 language in Subchapter 2 incorporation by reference to  
 3 reflect the new date of incorporation for Appendix Q.  
 4 In addition, the Department is proposing to revoke the  
 5 current Chapter 100, Appendix Q incorporation by  
 6 reference and adopt a new Appendix Q. This proposal is  
 7 part of the annual update of Title 40, Code of Federal  
 8 Regulations incorporations by reference in Chapter 100.  
 9 The Oklahoma rules on rulemaking dictate the  
 10 procedure of revoking the old and creating an entirely  
 11 new appendix. Changes to Appendix Q have been updated  
 12 to reflect federal regulation that have been implemented  
 13 as of November 1, 2013. The update would also  
 14 incorporate any amendments to standards currently listed  
 15 in Appendix Q. A copy of the new appendix highlighting  
 16 all changes to standards that have been made since  
 17 September 13, 2012, is provided in your folders.  
 18 This is a little bit of a change. We usually  
 19 just highlight the most significant changes. Now we  
 20 have highlighted everything and I'm not going to go into  
 21 detail on all of them.  
 22 Specific significant changes and additions are  
 23 as follows. The 40 CFR rules that are being proposed  
 24 for incorporation by reference in Appendix Q include 40  
 25 CFR Part 60, Subpart GA, standards of performance for

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1 nitric acid plants for which construction,  
 2 reconstruction, or modification commenced after  
 3 October 14, 2011. 40 CFR Part 60, Subpart Quad C new  
 4 source performance standards for commercial, slash,  
 5 industrial solid waste incinerators constructed after  
 6 November 30, 1999.  
 7 As previously noted in the Subchapter 17  
 8 presentation, we're incorporating 40 CFR Part 60 Subpart  
 9 Quad D, emissions, guidelines, and compliance times for  
 10 commercial and industrial solid waste incineration  
 11 units, the model rule only in Section 60.2575 through  
 12 60.2875, and including tables 1 through 9. And 40 CFR  
 13 Part 241, solid wastes used as fuels or ingredients in  
 14 combustion unit.  
 15 The titles for the following subparts are  
 16 proposed to be amended to be consistent with the changes  
 17 to the Code of Federal regulations. 40 CFR Part 60,  
 18 Subpart KKK, standards of performance for equipment  
 19 leaks of VOC from onshore natural gas processing plants  
 20 and 40 CFR Part 60, subpart LLL, standards of  
 21 performance for onshore natural gas processing SO-2  
 22 emissions.  
 23 Notice was published in the Oklahoma Register on  
 24 December 16, 2013, for these proposed changes. The  
 25 notice requested written comments from the public and

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1 other interested parties. No comments have been  
 2 received as of today. Staff requests the Council  
 3 recommend this rulemaking to the environmental quality  
 4 board for a permanent adoption. Thank you.  
 5 MS. BOTCHLET-SMITH: Do we have any questions  
 6 from the Council for Ms. Marshment?  
 7 MS. LODES: I do. So we've got NSPS Quad O  
 8 listed on here, once this goes into effect in July, that  
 9 means we have delegated authority for Quad O. Correct?  
 10 Is that when we accept our State delegation for it?  
 11 Because I know right now we don't have it.  
 12 MR. TERRILL: Officially that's -- isn't that  
 13 right, Ron?  
 14 MALE VOICE: I think that's when it would be  
 15 incorporated into our rules but we would have to submit  
 16 a formal letter to EPA requesting delegation. And I  
 17 think we do that annually for all the new NESHAPs and  
 18 NSPSs that we incorporate by reference. And then EPA  
 19 would incorporate that into the CFRs and that's when --  
 20 that's when it would be approved.  
 21 MR. TERRILL: But we have done everything we can  
 22 do basically at that point to accept delegation.  
 23 MS. LODES: Okay. That's what I was trying to  
 24 -- you know, because we've got the various reports due  
 25 under there and the question had been by a number of

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1 people as when can we just start sending them to the  
 2 State and quit having to send everything to EPA and copy  
 3 the State, but it will be sometime after July?  
 4 MR. TERRILL: EPA doesn't look at this, to be  
 5 honest about it. And, yeah, you're probably technically  
 6 supposed to, but if you get them in to us, you are  
 7 covered. Because EPA doesn't have time to go and worry  
 8 about whether or not they submitted it both places. As  
 9 long as it comes to us, they look to us as the  
 10 implementing authority, and if it would be easier to  
 11 remember to send them to us, send them to us and we'll  
 12 worry about taking care of that.  
 13 MS. LODES: We're just trying to make sure we  
 14 are in full compliance.  
 15 MR. TERRILL: I understand.  
 16 MS. LODES: So that's where I was just -- I knew  
 17 we didn't have --  
 18 MR. TERRILL: To be totally one hundred percent  
 19 positive that nothing could come back, you do probably  
 20 need to submit both of them until the EPA formally  
 21 approves our SIP, but realistically they've got a lot  
 22 more to worry about than you only submit it one place.  
 23 MS. LODES: Okay. Because -- yeah, because  
 24 they're still, what, ten years out on approving our SIP,  
 25 12 years?

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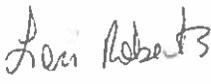
1 MR. TERRILL: Yep. But it's all down there  
 2 waiting for them. All they've got to do is act.  
 3 MS. LODES: Okay. I just wanted to clarify  
 4 that. Because we had had some --  
 5 MR. TERRILL: Yeah, I know.  
 6 MS. LODES: -- back and forth about the  
 7 delegation. Okay. Thank you.  
 8 MS. BOTCHLET-SMITH: Any other questions from  
 9 the Council?  
 10 Okay. I also did not receive any notice that  
 11 anyone from the public had questions. Has anyone  
 12 decided that they have questions now?  
 13 Seeing none, last chance for the Council and  
 14 then it's your's, Sharon.  
 15 MS. MYERS: If there's no further discussion by  
 16 the Council our the public, can we entertain a motion  
 17 please?  
 18 MR. GAMBLE: I move that the Council approve the  
 19 updates as proposed by the Agency to Subchapter 2 and  
 20 Appendix Q.  
 21 MS. MYERS: We have a motion. Do we have a  
 22 second?  
 23 MS. LODES: I second.  
 24 MS. FIELDS: Mr. Butcher?  
 25 MR. BUTCHER: Yes.

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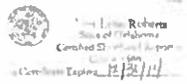
1 MS. FIELDS: Mr. Gamble?  
 2 MR. GAMBLE: Yes.  
 3 MS. FIELDS: Mr. Haught?  
 4 MR. HAUGHT: Yes.  
 5 MS. FIELDS: Mr. Lynch?  
 6 MR. LYNCH: Yes.  
 7 MS. FIELDS: Ms. Lodes?  
 8 MS. LODES: Yes.  
 9 MS. FIELDS: Ms. Meyers?  
 10 MS. MYERS: Yes.  
 11 MS. FIELDS: Motion passed.  
 12 MS. BOTCHLET-SMITH: And that will conclude the  
 13 hearing portion of today's meeting.  
 14 (Hearing portion concluded at 9:35 a.m.)  
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1 -- CERTIFICATE --  
 2 I, Lori L. Roberts, Certified Shorthand  
 3 Reporter for the State of Oklahoma, certify that the  
 4 above and foregoing hearing was by me taken in stenotype  
 5 and thereafter transcribed and is a true and correct  
 6 transcript of the hearing; that the hearing was taken on  
 7 January 15, 2014, at 9:00 a.m., in Oklahoma City,  
 8 Oklahoma; that I am not an attorney for nor relative of  
 9 any of said parties, or otherwise interested in the  
 10 event of said action.  
 11 IN WITNESS WHEREOF, I have hereunto set my hand  
 12 and seal of office this 27th day of January, 2014.  
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Lori L. Roberts  
 CSR No. 1588  
 Commission Expires: 12/31/14





# AIR QUALITY COUNCIL

Attendance Record

January 15, 2014

Oklahoma City, Oklahoma

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