

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3. [AMENDED]

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-2.1. [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1. [AMENDED]

252:100-7-2. [AMENDED]

Part 9. Permits By Rule

252:100-7-60.6 [NEW]

Subchapter 9. Excess Emission Reporting Requirements

252:100-9-1. [AMENDED]

252:100-9-1.1. [AMENDED]

252:100-9-2. [AMENDED]

252:100-9-8. [AMENDED]

252:100-9-9. [NEW]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

SUMMARY:

The Department is proposing to amend OAC 252:100-5, Registration, Emission Inventory and Annual Operating Fees, for consistency with the U.S. Environmental Protection Agency (EPA) Air Emission Reporting Requirements contained in Subpart A of 40 CFR Part 51. OAC 252:100-5-2.1 excludes de minimis facilities and permit exempt facilities from the requirement to submit an annual emission inventory to the Department. The Department proposes to revise Section 5-2.1 to require the submittal of an emission inventory by these facilities when required by the federal point source reporting thresholds contained in Table 1 to Appendix A of Subpart A, which the Department proposes to incorporate by reference.

The Department is proposing to amend OAC 252:100-7, Permits for Minor Facilities. The Department is considering amendment(s) to definitions and/or developing new definitions in 252:100-7-1.1 as part of the efforts to reduce the regulatory burden on emergency engine only sources, for which a proposed Permit By Rule was carried over from the June 10, 2015 Air Quality Advisory Council meeting. The Permit By Rule is still being considered as an option to simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency engine that is subject to a federal standard. The Department is also proposing to update 252:100-7-2, Requirements for permits for minor facilities, to clarify which air quality control rules apply to de minimis and permit exempt facilities.

The Department is proposing to amend OAC 252:100-9, Excess Emission Reporting Requirements, to comply with the "[State Implementation Plan (SIP)] Call To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction" (SSM) as published in the Federal Register by the EPA on June 12, 2015 (80 FR 33840), and to conform

with EPA's restated and updated SSM policy applicable to SIPs, as expressed in the referenced Federal Register notice.

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to EPA regulations, including Table 1 to Appendix A of Subpart A of 40 CFR Part 51. 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.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Sections 2-5-105 and 2-5-112 for Subchapter 5; 27A O.S. Sections 2-5-112 and -114 for Subchapter 7; 27A O.S. Sections 2-5-105 and -110 for Subchapter 9; and 27A O.S. Sections 2-5-105 and -114 for Appendix Q.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on October 14, 2015. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the October 14, 2015 hearing and at the November 10, 2015 Environmental Quality Board hearing.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 14, 2015, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, November 10, 2015, at the Canadian Valley Technology Center, 1401 Michigan Avenue, Chickasha, OK 73018.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after September 1, 2015 on the DEQ Air Quality Division website at

http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405)702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.