Portable Engine Analyzer Guidance Available

A work group comprised of AQD staff, industry, and manufacturers has produced a guidance for the use of portable engine analyzers to test emissions of NOx and CO. The document is available on the DEQ website at www.deq.state.ok.us/Air Quality/What's New/. New permits will require the use of this guidance or an AQD approved protocol for the use of these analyzers. Currently permitted facilities will have to use the guidance or an approved protocol to show compliance with pounds per hour limitations in their existing permits. The guidance will be used by AQD staff when inspecting facilities.

After about six months of use, the guidance will be re-evaluated and any necessary changes made in order to provide the best possible tool to insure consistent testing of the affected engines. All comments from the regulated community to improve the guidance will be considered by the AQD staff.

Andy Young, Oklahoma Asssistant Supt. of Schools (left) and Miles Tolbert, Secretary of Environment (right) with representatives from Hydro-Eakly, the first prize winner of the ScienceFest Flag Competition

Students at a DEQ Activity Station testing their Air Quality IQ.

On Earth Day, April 22, 2003, over 4,000 students enjoyed a day of Science. The DEQ helped sponsor 'ScienceFest Oklahoma' which was held at the Oklahoma City Zoological Park and Botanical Garden. Fourth and Fifth grade students from across the State participated in hands-on activities, workshops and exhibits. The educational event focused on alternative fuel innovations, renewable energy resources, and energy conservation.

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Your opinion is important to us! We would like to know what you think of the *Air Quality Update* and the types of articles you would like to read. Please send suggestions and comments to randy.ward@deq.state.ok.us or kevin.tallant@deq.state.ok.us.

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OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Air Quality Update

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Tulsa and Oklahoma City Early Birds Take Action on Ozone

The old adage "the early bird gets the worm" is now appropriate in the area of air quality planning for achieving the 8-hour ozone standard. Early Action Compacts, developed by the Texas Commission on Environmental Quality and endorsed by the Environmental Protection Agency, give local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the communities control emissions from local sources **earlier** than the Clean Air Act would otherwise require. Reductions in emissions from pollution control measures that are implemented as part of an Early Action Compact are creditable toward air quality planning goals.

Only areas that are already meeting the national 1-hour standard are eligible for this program. Early Action Compact areas have an aggressive, accelerated program of milestones to meet to be eligible for a deferral of the effective date of an 8-hour nonattainment ozone designation. Thus an area could effectively remain off the "dirty air" list and avoid the stigma of nonattainment and also meet health standards earlier than normally required. An area that misses a milestone will lose its deferral of the effective nonattainment date and become subject to all of the requirements for nonattainment areas, such as new source review and transportation conformity.

Because they are not considered nonattainment until the effective date of nonattainment designation, Early Action Compact areas are not eligible for Congestion Mitigation Air Quality (CMAQ) funds.

Like most voluntary programs, Early Action Compacts are vulnerable to legal challenge, and success depends on active and sustained participation by all stakeholders.

Both the Oklahoma City and Tulsa areas have elected to participate in Early Action Compacts. The Air Quality Division of the Department of Environmental Quality has been working with the Indian Nation Council of Governments and the Association of Central Oklahoma Governments by performing modeling studies as well as selecting a list of potential control strategies that might be implemented as part of an early State Implementation Plan (SIP) revision.

Both technical advisory and policy committees made up of interested stakeholders have been established to oversee the plan development. Public meetings are being held on a regular basis. All this information and more can be found on the Air Quality Division's website at http://www.deq.state.ok.us/AQDnew/index.htm. Click on "Ozone Early Action Compact".

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Air Quality Council News

The Air Quality Council conducted its second meeting of 2003 on April 16 at the OSU Campus in Tulsa.

The Council held hearings on OAC 252:100-13. Open Burning; on OAC 252:100-7 (5, 19, 23, 24, 37 and Appendix L) Permits for Minor Facilities; and on OAC 252:100-5. Registration, Emission Inventory and Annual Operating Fees.

Changes to Subchapter 13 were specific to fire training. The 49th Legislature is considering similar changes in Senate Bill 546 so this matter was continued to a future meeting pending action by the state legislature.

The Department recommended that changes to Subchapters 7, 5, 19, 23, 24, 37 and Appendix L be referred to an industry workgroup for further study. The intent is to create a new "permit exempt" category exempting facilities that produce 40 tons or less of any regulated pollutant from most of the requirements of permitting and annual emission reporting. For more information on this rule and/or the workgroup, please contact Joyce Sheedy at joyce.sheedy@deq.state.ok.us.

In Subchapter 5 the Department requested a fee increase to $27.78 per ton of regulated pollutant.This figure was the Division's best estimate of the cost of doing the ongoing modeling, inventory and monitoring work associated with 8-hour ozone implementation, regional haze, toxics evaluation and other federally required programs. Further assessments of the Division's needs will be conducted after the legislative session. If no additional funding source for this work is identified, another more refined proposal may be presented to the Council later in the year.

The next Council meeting will be held in Oklahoma City on July 16, 2003 in the multi-purpose room of the DEQ building at 707 North Robinson.

The Lead-Based Paint Corner

Spring has arrived, and many housing agencies have renovation and rehabilitation projects in progress. Many of these projects will include treatment for older building components coated with Lead-based Paint (LBP). A couple of things that make abatement and interim controls different from regular renovation projects are the clean-up and documentation of the work conducted.

The ODEQ LBP staff would like to remind certified LBP abatement supervisors of some tables and forms that are available in the HUD Guidelines that can make documenting an interim control or abatement a little easier.

1. Form 13.1, Encapsulant Patch Test Documentation

   This form should be used to document the environmental conditions under which encapsulants were applied and the results of the patch test.

2. Form 13.2, Lead-Based Paint Encapsulation Visual Monitoring Form

   This form can be included in the post-abatement report as a reminder to the property owner to perform visual inspections of the encapsulated surfaces.

3. Table 6.1, Standard Re-evaluation Schedules

   This table can assist LBP supervisors in selecting evaluation schedules in the post-abatement report.

The HUD Guidelines Chapter 12, page 21 also contains a list of twelve steps for the proper enclosure of LBP surfaces. The HUD Guidelines are available at, http://www.hud.gov/offices/lead/leadreferencelibrary.cfm.

Limits on Potential to Emit

FOCUS: Hot-Mix Asphalt Plants

There are currently about 100 permitted hot-mix asphalt plants in the State of Oklahoma. Most of these are stationary sources. However, some are portable, and frequently move from one location to another in the state. While all of these facilities are permitted, some have permits that may be somewhat dated, having been issued prior to the implementation of the Title V program (March 6, 1996) in Oklahoma. Thus, some permits may not include conditions that reflect current EPA requirements for enforceable limitations on potential to emit to avoid major source status ("synthetic minor"). It is a permittee's responsibility to review their current permit to assure that changes are not needed to comply with this requirement. Conditions that are considered to contain "enforceable limits" typically include both an emissions limitation along with a throughput limit that requires periodic monitoring, typically on a rolling monthly basis, with recordkeeping sufficient to document compliance. In addition, control device monitoring, e.g., baghouse pressure drop, is also required periodically, e.g., daily.

Another concern is that, while most of these facilities have performed compliance testing to document the actual particulate emissions rate, e.g., from NSPS performance testing, of equal concern is the actual NO_x and CO emissions rate. Most hot-mix asphalt plants currently permitted based their emissions estimate of NO_x and CO on EPA AP-42 data (January 1995). However, Chapter 11, Section 1 of AP-42 was recently updated (December 2000) and emissions factors for CO were drastically increased. In some cases the new factors for CO are double or triple the old factors, e.g., drum-mix, natural gas-fired: 0.13 lb/Ton HMA produced versus 0.056 lb/Ton from the 1995 version; drum mix, oil-fired: 0.13 lb/Ton versus 0.036 lb/Ton from the 1995 version. Thus, many permitted facilities may now be in violation of their permit limits.

In order to address both of these problems the Air Quality Division has recently issued a new General Permit for Hot Mix Asphalt Plants. This permit is consistent with current EPA policy for enforceable limitations on a source's potential to emit. In effect, the facility is granted a facility-wide cap on emissions, established just below major source thresholds. The permittee is required to monitor throughput, and calculate emissions periodically so that it remains a minor facility. In addition, the permit requires biennial (once every two years) burner tune-ups. Not only does this assure that burner emissions, as well as fuel usage, are minimized, it also provides information on the actual NO_x and CO emissions rate. Once these rates are determined, production can be permanently limited to avoid major source status, or temporarily limited until a major source permit can be obtained to allow operation at higher levels if needed.

Permitted facilities should review their current permits to determine if changes are needed to incorporate enforceable limitations on their potential to emit, so they can remain minor sources. If you have concerns about the enforceability of your current permit, we encourage you to make application for coverage under the General Permit as soon as possible. If you have any questions concerning this matter, please feel free to contact Dave Dimick at (405) 702-4100.

New Annual Compliance Certification Forms

The Compliance/Enforcement section has developed new forms to assist Title V permit holders in completing the Annual Compliance Certification (ACC) required by each Title V permit. The forms have new instructions and have been redesigned to include Standard Conditions. There are currently ten versions of the form, which cover specific date ranges. The permit holder may select the form that corresponds to the date that the original Title V permit was issued. The new ACC forms are available on the DEQ website on the Air Quality Forms page and are available in both Microsoft Word and Adobe PDF formats.

Forms for General Permits for Oil and Gas Facilities are under development and will be available soon. If you have any questions regarding the ACC program, please contact Jared Howard, Laura Herron, or Mike Smith at (405) 702-4100.