

**SUMMARY OF OPINIONS EXPRESSED AT THE NOVEMBER 26, 2007
STAKEHOLDERS MEETING ON CHANGES TO
OAC 252:100-9. EXCESS EMISSION REPORTING REQUIREMENTS**

The following is a summary of the opinions expressed at the November 26, 2007 stakeholders meeting held in 1st Floor Multi-Purpose Room of the Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, OK 73102. The meeting was held to discuss the proposed changes to OAC 252:100-9, Excess Emission Reporting Requirements.

Topics discussed:

- 1. Immediate notification of excess emissions** - Several participants expressed concern with the immediate notification requirement of the current rule. They stated that the requirement was overly burdensome especially in view of the fact that many of the excess emissions were in fact very small quantities or exceedances of opacity limits. Several participants suggested adding "reportable quantities" or other similar qualifications so that very minor exceedances would not have to be reported immediately. Consolidation of the 30-day reports was also suggested.
- 2. Redundant reporting requirements** - Some participants noted that the state reporting requirements were a duplication of monthly, quarterly or semiannual reporting requirements already required under NSPS and NESHAP regulations.
- 3. NAAQS and PSD increment determination** - Several participants were concerned that the proposed Subchapter 9 provisions would require facilities experiencing an excess emission event to do computer modeling to prove that the excess emissions did not exceed any NAAQS or PSD increment.
- 4. Vague and subjective language** - Several participants stated that the language in the proposed requirements for an affirmative defense was subjective and vague. Participants also requested more detail in the rule about burden of proof for a facility's contribution to NAAQS violations.
- 5. "Root cause of the event"** One participant pointed out that this wording has specific meaning in environmental engineering and that to require a facility owner to do a "root cause analysis" should be beyond the intent of the proposed rule.
- 6. Technical limitations** - Several participants expressed concern that the loss of the technical limitation provisions in the existing rule would put them at risk because of the time needed to modify their permits or for the Department to develop source specific technical limitation rules. Suggestions to address this were: 1) grandfather clause or 2) clause adding a timeline between implementation and permitting.

7. Purpose statement – One participant expressed concern regarding the broad language in the purpose statement which said that excess emissions should be eliminated, when in fact present technology is designed to have excess during startup.

8. Minimization of startup – The question as to why a facility would need to prove that startups were being minimized when facilities only startup equipment when it must be used.

9. Control technology - One participant requested examples of control technology applicable to equipment startups, as would be acceptable according to the rule.

10. Enforcement - One participant stated that enforcement discretion needed to be addressed.

All the opinions expressed at the stakeholders meeting will be taken into account by the Department as the rule making process continues. The Department thanks all those who participated in the event.