

**SUMMARY OF COMMENTS AND STAFF RESPONSES FOR PROPOSED  
REVISIONS TO SUBCHAPTER 5. REGISTRATION, EMISSIONS  
INVENTORY AND ANNUAL OPERATING FEES**

**COMMENTS RECEIVED AT THE JULY 18, 2007  
AIR QUALITY ADVISORY COUNCIL MEETING**

**Verbal Comments**

1. **COMMENT:** Mr. Bud Ground, PSO, noted that given the anticipated overall reduction in emissions from most Title V sources over the next 5 years, there is a need for an "overall fee...restructure."

**RESPONSE:** Staff will take this comment into consideration.

**COMMENTS RECEIVED PRIOR TO THE JANUARY 17, 2008  
AIR QUALITY ADVISORY COUNCIL MEETING**

**Written Comments**

**OGE Energy Corporation** - Email letter from Julia Bevers dated January 8, 2008

2. **COMMENT:** "We request that subparagraph §100-5-2.2(c) be revised to provide clarification about underpayment of emission fees. It is unclear whether the [current language] applies to those instances in which the invoiced amount is fully paid on time but is found at a later time, either by self-discovery or during a compliance inspection, that the invoiced amount was incorrect." Suggested addition to 2.2(c):

(4) When a fee underpayment has been made as a result of an error, previously unknown by the facility, the underpaid fee shall be due and payable on the invoice due date. If the facility voluntarily notifies the DEQ of the error within 120 days of discovery, whether through self-discovery or during a compliance inspection, the collection of fees owed shall go back no further than two years previous to the current billing year. If the unreported emissions are not reported within 120 days of discovery, the DEQ may issue an administrative order to recover fees and may assess a reasonable administrative fine in accordance with the provisions of the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 et seq., to an owner or operator of a facility who has underpaid such fees.

**RESPONSE:** This language does not directly relate to the fee increase issue and is outside the scope of the Department's proposal.

**Grand River Dam Authority - Email from Perry S. Friedrich, dated January 10, 2008**

3. **COMMENT:** "Fee adjustments, especially those of the magnitude associated with Part 70 major sources, should be reviewed rather than occur automatically. I believe an annual (or other periodic) demonstration of need to justify increases in operating fees is prudent."

**RESPONSE:** The CPI adjustment represents an annual review process and is intended to keep the fees current with inflation. The process is patterned after the federal Clean Air Act, and the Department has no plans to deviate from that process. Therefore, it is staff's opinion that no additional review is necessary.

4. **COMMENT:** "The wording in the proposed method for calculating fee adjustment as specified in 100-5-2.2(b)(3) would result in fees increasing at a rate greater than the increases in the CPI."

**RESPONSE:** The method used to calculate the CPI adjustment has not been changed - only the base year has been updated. The CPI adjustment each year is based on the annual operating fee as stated in the rule, and not on the previously adjusted total fee. Therefore, no change is necessary.