

REGULAR MEETING/ HEARING AGENDA
AIR QUALITY COUNCIL
April 20, 2005, 9:00 a.m.
OSU/Tulsa, Room 150, 707 N. North Greenwood
Tulsa, Oklahoma

1. **Call to Order – Sharon Myers, Chair**
2. **Roll Call – Myrna Bruce**
3. **Approval of Minutes – January 19, 2005 Regular Meeting [Approved]**
4. **Resolution for Mr. Breisch – Sharon Myers, Chair**
5. **Finance Committee Report – Sharon Myers, Chair**
6. **Public Rulemaking Hearing**

OAC 252:100-5. Registration, Emission Inventory and Annual Operating Fees [AMENDED]

OAC 252:100-41. Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants [AMENDED]

252:100-42. Control of Toxic Air Contaminants [NEW]

252:100 Appendix O. Toxic Air Contaminants (TAC) Maximum Acceptable Ambient Concentrations (MAAC) [NEW]

The Department proposes amendments to Subchapter 41 Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants to partition the existing Subchapter 41 into two subchapters. The proposed amendments will clarify and modify the state-only requirements for emissions from stationary sources and relocate these requirements into the new Subchapter 42 and Appendix O. Subchapter 41 will contain the federal requirements for hazardous air pollutants (HAP) and asbestos. Two new sections will be added as 252:100-41-3 and -4. The new Subchapter 42 provides a list of toxic air contaminants (TAC) and sets maximum acceptable ambient concentrations (MAAC) for these substances. This list is contained in Appendix O. The rule provides for the designation of areas of concern when the ambient air concentrations for any of these TAC is exceeded and requires the Department to work toward bringing these areas into compliance with the TAC MAAC. Additional funding will be required in order for the proposed air toxics program set forth in Subchapter 42 to be implemented. If the proposed Subchapter 42 is not approved, or if new funding is not provided, the Department will maintain the toxics program as it currently exists in Subchapter 41. Language is proposed in Subchapter 42 at 42-1.1 stating that when effective, Subchapter 42 supersedes all of Subchapter 41 except for Part 3. Language is proposed in Subchapter 41 at 41-1.1 stating that the Subchapter will only remain effective if Subchapter 42 does not supersede it. Language is also proposed in Subchapter 41 at 41-1.1 stating that Part 3 will not be superseded.

The Department proposes amendments to Subchapter 5 Registration, Emissions Inventory and Annual Operating Fees to fund the proposed toxics program. The amendments would increase the annual operating fees for stationary sources that emit hazardous air pollutants (HAP)

regulated under Section 112 of the Federal Clean Air Act, toxic air contaminants (TAC) as listed in proposed Appendix O, and volatile organic compounds (VOC) as defined in OAC 252:100-1-3, 252:100-37-2 and 252:100-39-2. The proposed rule will establish groups for classifying regulated air pollutants for fee purposes only. The proposed fee increase should generate approximately \$835,000. Should adequate funding be obtained from other sources, such as general appropriations, the Department will not pursue an additional toxics fee.

The Department may propose to submit Subchapter 42 to the EPA for inclusion in the Oklahoma State Implementation Plan. Thus, this hearing shall serve as the public hearing to receive comments concerning the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 Code of Federal Regulations (CFR) §51.102 concerning the SIPs and Okla Stat .tit 27A O.S. § 2-5-107(6)(c).

1. Presentation – Staff
2. Questions and discussion by Council/Public
3. Possible action by Council
4. Roll call vote for permanent adoption

[SC 41, SC 42 & Appendix O – Recommended to the EQB. SC5 – Continued to July Council]

7. Division Director’s Report – Eddie Terrill

The Division Director’s Report will include a presentation on the staff’s progress in integrating the federal New Source Review (NSR) Reform regulations into our permitting program. Subsequently, the Division plans to present a proposed revision to Part 7 of Subchapter 8 in public hearing at the July 20, 2005 Air Quality Council meeting.

8. New Business – (Any matter not known about, or which could not have been reasonably foreseen prior to the time of posting the Agenda.)

9. Adjournment – The next regular meeting is proposed for 9 a.m., Wednesday, July 20, 2005 at the DEQ offices in downtown Oklahoma City.

Lunch Break, if necessary.

Should you have a disability and need an accommodation, please notify the DEQ Air Quality Division three days in advance at 405-702-4212. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.