MINUTES
AIR QUALITY COUNCIL
April 18, 2007
B S Roberts Conference Room
700 North Greenwood
Tulsa Oklahoma

Approved by AQC
July 18, 2007

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. April 18, 2007 in the B. S. Roberts Conference Room, OSU Campus at Tulsa, Oklahoma. Notice of the meeting was forwarded to the Office of the Secretary of State giving the date, time, and place of the meeting on November 30, 2006. Agendas were posted at the meeting facility and at the DEQ Central Office in Oklahoma City at least twenty-four hours prior to the meeting.

Ms. Beverly Botchlet-Smith convened the hearings by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51, and Title 27A, Oklahoma Statutes, Sections 2-5-201 and 2-5-101 - 2-5-118. Ms. Smith entered the Agenda and the Oklahoma Register Notice into the record and announced that forms were available at the sign-in table for anyone wishing to comment on any of the rules. Ms. Sharon Myers, Chair, called the meeting to order. Ms. Bruce called roll and a quorum was confirmed.

MEMBERS PRESENT
Sharon Myers
David Branecky
Bob Curtis
Gary Martin
Jerry Purkaple
Rick Treeman
Laura Worthen

MEMBERS ABSENT
Bob Lynch
Don Smith

DEQ STAFF PRESENT
Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Pat Sullivan
Leon Ashford
Joyce Sheedy
Max Price
Morris Moffett

OTHERS PRESENT
Christy Myers, Court Reporter
Brita Cantrell, EQB

DEQ STAFF PRESENT
Cheryl Bradley
Matt Paque
Dawson Lasseter
Phillip Fielder
Nancy Marshment
Myrna Bruce

Transcripts and Attendance Sheet are attached as an official part of these Minutes

Approval of Minutes Ms. Myers called for approval of the October 18, 2006 Minutes. (The January 17, 2007 meeting was cancelled due to inclement weather.) Mr. Branecky made the motion to approve the Minutes as presented and Mr. Curtis made the second. Roll call as follows with motion passing.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	David Branecky	Yes
Bob Curtis	Yes	Sharon Myers	Yes
Jerry Purkaple	Yes		

Election of Officers - Calendar Year 2007 Noting that this is a rotating position, Mr. Jerry Purkaple thanked Ms. Myers for the wonderful job she had done as Chair. He nominated Mr. David Branecky for Chair and Mr. Rick Treeman for Vice-Chair. Ms. Myers thanked the Council then made the second.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	David Branecky	Yes
Bob Curtis	Yes	Sharon Myers	Yes
Jerry Purkaple	Yes		

Discussion of possible Council meeting date change for July 2007 Mr. Terrill advised that there had been discussions about changing the Council's July date because of some overlapping meetings involving EPA. It was decided that the meeting would remain July 18 in Ponca City, as scheduled.

OAC 252:100-17. Incinerators [AMENDED] Ms. Pat Sullivan advised that this proposal would amend Subchapter 17, Part 5 to meet federal requirements for state plans under section 111(d) of the federal Clean Air Act applicable to existing sources. She pointed out that the Clean Air Act requires review of standards every five years, and as a result of this review, standards for existing MWC units have been revised to reflect the actual performance levels being achieved by those units. For new MWC units, standards have been amended to reflect the performance level achievable by MWC units constructed in the future. Ms. Sullivan mentioned that two major revisions resulted from the EPA review and that upon approval by the Council and the Environmental Quality Board, proposed changes to OAC 252:100-17 Part 5 and record of this hearing will be submitted to EPA as a revision to Oklahoma's existing State 111(d) Plan for Municipal Waste Combustors which became effective January 5, 1999.

Staff recommended that Subchapter 17 be carried over for at least one more Council hearing. Questions and comments were received from Council and public. Ms. Myers made motion to continue the hearing to the July Council meeting. The second was made by Mr. Martin.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Yes	David Branecky	Yes
Jerry Purkaple	Yes		

OAC 252:100 Appendix E. Primary Ambient Air Quality Standards [REVOKED]
OAC 252:100 Appendix E. Primary Ambient Air Quality Standards [NEW]
OAC 252:100 Appendix F. Secondary Ambient Air Quality Standards REVOKED]
OAC 252:100 Appendix F. Secondary Ambient Air Quality Standards [NEW]

Mr. Leon Ashford advised that the Department is proposing to update Appendices E and F to be consistent with recent changes to the federal particulate matter standards and update Appendix F, Secondary Ambient Air Quality Standards, to be consistent with changes to the Federal Carbon Monoxide standard that was changed in 1985. To be

consistent with the federal standards, revocation of the old PM Standard, and adoption of the new PM Standard is also desired. Staff recommended that the revised appendices E and F be forwarded to the Environmental Quality Board for adoption.

Mr. Branecky entertained a Motion for adoption. Mr. Treeman made the motion and Mr. Purkaple made the second.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Yes	David Branecky	Yes
Jerry Purkaple	Yes		

OAC 252:100-7. Permits for Minor Facilities [AMENDED] Dr. Joyce Sheedy stated that the Department is proposing to amend Subchapter 7 to provide consistency with State Statutes and Air Pollution Control Rules, remove reference to Subchapter 41 which has been revoked, correct the emissions calculation methods for determining if a permit is required, clarify when construction permits are required, and provide for administrative amendments to operating permits for minor facilities. The proposal would revise the permitting requirements for minor facilities in Sections 2, 15, and 18 of OAC 252:100-7; add provisions for an administrative amendment for minor facility operating permits; replace reference to Subchapter 41 with reference to Subchapter 42; increase the time allowed to notify the DEQ of a transfer of ownership; change the throughput limits in methods of calculations for determining permit exempt status for oil and gas exploration and production facilities; and to change the emissions limits for permit by rule to match the format used in permit exempt facility; and would also make other non-substantive changes to format, grammar, et cetera for clarity and for consistency with the other rules in Chapter 100.

Dr. Sheedy noted the proposed substantive changes and mentioned the public comments that had been received to date. She advised that because uncertainty exists over the proposed permit exempt standards, staff's recommendation was that Council continue this rulemaking to the July meeting.

Following questions and comments from Council and public fielded by Mr. Terrill and staff, Mr. Purkaple made motion to hold the hearing over to the July 18th meeting. Ms. Myers made the second.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Yes	David Branecky	Yes
Jerry Purkaple	Yes		

OAC 252:100-37-38. Pumps and compressors [REVOKED] Mr. Max Price stated that staff proposal would amend Subchapter 37, Control of Emission of Volatile Organic Compounds (VOCs) by revoking Section 38, Pumps and Compressors as Section 38 is an obsolete section. Staff asked that the Council send the proposal to the Environmental Quality Board with a recommendation that they adopt as a permanent rule. With no

comments from the Council or public, Mr. Branecky entertained the motion. Ms. Myers made that motion and Mr. Martin made the second.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Yes	David Branecky	Yes
Jerry Purkaple	Yes		

OAC 252:100-1. General Provisions [AMENDED]
OAC 252:100-8. Permits for Part 70 Sources [AMENDED]
OAC 252:100-37. Control of Emission of Volatile Organic Compounds (VOCs) [AMENDED]
OAC 252:100-39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas [AMENDED]

Mr. Max Price related that the Department is proposing to amend Subchapters 1, 8, 37 and 39 to clarify and/or remove redundant definitions from Chapter 100; expand definitions for particulate matter and refine the definition for volatile organic compounds. Mr. Price pointed out two small changes added since the last Council Meeting. Staff recommended that Council send the proposal to the Environmental Quality Board for permanent adoption. Mr. Terrill and staff fielded questions and comments from the Council and public. Council felt that the basis for the 30-year old standards should be re-evaluated. Mr. Terrill pointed out that the records do not exist and asked Council for direction.

Mr. Bob Curtis moved to send the proposal as recommended by staff to the Environmental Quality Board for adoption as a permanent rule. Mr. Martin made the second. Discussion was continued concerning the direction Council staff should take to clarify the rulemaking. After much discussion, Mr. Branecky reminded Council that a vote was needed on the motion and second currently on the table for approval of the entire package as presented stating that he would then entertain a new motion to direct the DEQ to do anything additional Council would prefer.

Laura Worthen	No	Gary Martin	No
Rick Treeman	No	Sharon Myers	No
Bob Curtis	Yes	David Branecky	No
Jerry Purkaple	No		

Ms. Laura Worthen made a Motion to continue the entire package onto the October Council meeting, with direction to the DEQ to review and provide more data on Appendices C and G with a status report at the July meeting. Mr. Purkaple made the second with roll call as follows.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Yes	David Branecky	Yes
Jerry Purkaple	Yes		

OAC 252:100-44. Control of Mercury Emissions from Coal Fired Electric Steam Generating Units [NEW]
and Proposed Mercury 111(d) Plan Public Hearing (see transcript pages 102-104)
Mr. Morris Moffett advised that the Department is proposing a new Subchapter 44, Control of Mercury Emissions from Coal-Fired Electric Steam Generating Units, which would incorporate by reference the federal Clean Air Mercury Rule (CAMR) issued in May 2005. He added that this Council meeting would also serve as a public hearing required for the 111(d) plan as the Clean Air Act requires a state to prepare a 111(d) plan in order to incorporate the CAMR.

Mr. Terrill provided background on what is known about the mercury situation in Oklahoma. He explained that staff would like to carry this rule over to get more input. He added that the input and interest from the public and industry is appreciated and asked for any data that would help determine both sides of this issue for existing sources and new sources. Mr. Terrill expressed that his real reason to carry this over for so long is that he is convinced the EPA promulgated this mercury rule under the wrong section of the Clean Air Act. He said it now appears that the arguments, both written and oral, will not take place until sometime this summer with a decision probably in January. He felt that although the process will take a while, the rule will be sent back.

Mr. Terrill and staff fielded questions and comments from Council and heard comments from a number of citizens expressing their concern over the implementation of the mercury rule as proposed. Public comments were received from the following: Nadine Barton from CASE; Montelle Clark with Oklahoma Sustainability Network; Earl Hatley representing LEAD Agency; Dr. John Weddle; Harlan Hentges representing the Sequoyah County Clean Air Coalition; Steve Dobbs; Tom Lucas; Darryl Phillips, John Kennington; Martha Gregory representing the Sierra Club Oklahoma Chapter; Seneca Scott, Oklahoma Sustainability Network Board of Directors. On behalf of the electric utility industry, Mr. Bud Ground of Public Service Company of Oklahoma introduced Dr. Leonard Levin from the Electric Power Research Institute who gave a presentation on the effects of mercury on the environment. After a lengthy comment period, Mr. Branecky called for a motion on this rule. Ms. Myers made motion to continue the hearing to Council's next meeting. Mr. Martin made the second.

Laura Worthen	Yes	Gary Martin	Yes
Rick Treeman	Yes	Sharon Myers	Yes
Bob Curtis	Left for appt.	David Branecky	Abstain
Jerry Purkaple	Yes		

Ms. Botchlett-Smith reminded that Mr. Moffett had presented the 111(d) Plan along with his mercury presentation. She added that since the mercury rule, which is tied to the 111(d) Plan, was continued to the next Council meeting, staff would still be taking written comments on the 111(d) Plan.

OAC 252:100-9. Excess Emission Reporting Requirements Mr. Max Price related that changes to Subchapter 9 are being considered to improve this rule to make the

process more efficient. In order to facilitate this process, the Department asked for comments from the Council and the public. He explained that no changes have been made to the rule and no action is required of the Council. Comments were received from Valero Ardmore Refinery and written comments were solicited from interested parties.

Appendices H, I and J - Withdrawn from consideration -- Ms. Bothchlet-Smith called upon Dr. Joyce Sheedy for explanation on the withdrawal of agenda item number eight, Appendices H, I and J. She explained that no action would be required by Council. Dr. Sheedy noted that at the April 19, 2006 Air Quality Council meeting, the Department proposed to revise Appendix H, De Minimis Facilities; Appendix I, Insignificant Activities, Registration List; and Appendix J, Trivial Activities, De Minimis, List. The purpose was to determine if these lists needed to be updated and added to Oklahoma's State Implementation Plan. It was determined that EPA would require a demonstration justifying each activity or facility on the lists. Dr. Sheedy indicated that staff felt that the current Appendices H, I, and J are workable; therefore, upon further consideration, it would serve no purpose to include these appendices in our SIP. Staff requested that the proposed revision to Appendices H, I, and J be removed from consideration by Council.

Division Director's Report Eddie Terrill gave an update on Division activities including information that the regional haze public consultation process starts next month; EPA release recommendation to droop ozone standard from .08 to .07 or .06. Mr. Terrill thanked the public for their continued participation in these hearings.

New Business None

Adjournment The next regular meeting is proposed for 9:00 a.m., Wednesday, July 18, in Ponca City, Oklahoma. Meeting adjourned at 1:05 p.m.

Transcripts and Attendance Sheet are attached as an official part of these Minutes.

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEMS NUMBER 1-5

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

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MEMBERS OF THE COUNCIL

SHARON MYERS - CHAIRPERSON
DAVID BRANECKY - VICE-CHAIRMAN
RICK TREEMAN - MEMBER
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
LAURA WORTHEN - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. MYERS: Okay. I'll call this meeting to order. Could we have a roll call, please.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Here.

MS. BRUCE: Bob Lynch is absent for now.

Rick Treeman.

MR. TREEMAN: Here.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Here.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Here.

MS. BRUCE: Gary Martin.

MR. MARTIN: Here.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Here.

MS. BRUCE: And absent is Don Smith. We do have a quorum.

MS. MYERS: Okay. The next item on the agenda is the Approval of the

Minutes for the October 18, 2006 Meeting.
Are there any comments from the Council?
MR. BRANECKY: Are you asking for a motion?
MS. MYERS: If there are no comments, could we have a motion, please?
MR. BRANECKY: I move we approve the Minutes.
MR. CURTIS: Second.
MS. MYERS: We have a motion and an approval. Myrna, would you call roll, please?
MS. BRUCE: Laura Worthen.
MS. WORTHEN: Yes.
MS. BRUCE: Rick Treeman.
MR. TREEMAN: Yes.
MS. BRUCE: Bob Curtis.
MR. CURTIS: Yes.
MS. BRUCE: Jerry Purkaple.
MR. PURKAPLE: Yes.
MS. BRUCE: Gary Martin.
MR. MARTIN: Yes.
MS. BRUCE: David Branecky.
MR. BRANECKY: Yes.
MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Motion approved.

MS. MYERS: Next item on the agenda is the election of officers for calendar year 2007. Are there any motions from the Council on officers?

MR. PURKAPLE: Sharon, you've done a wonderful job as Chairman --

MS. MYERS: Thank you.

MR. PURKAPLE: -- excuse me, Chairperson. But I would suspect that it would be good to rotate. So I would like to recommend David Branecky as Chair, and Mr. Treeman, Rick Treeman, as Vice-Chair. He's been on the Council for several years and I think he understands the process. I think he'd make a good Vice-Chair.

MS. MYERS: Okay. We have a motion for David Branecky as Chair and Rick Treeman as Vice-Chair.

I second that.

Any comments from the rest of the Council? In that case, we'll entertain a motion. I guess we need to take a vote. Take a vote, Myrna.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Okay.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: That motion did pass.

MR. BRANECKY: Next item on the agenda is a discussion of a possible meeting change in location or date -- not location, but date for the July 2007 meeting.

(Discussion on change of date; date is left the same)

(End of Items 1-5)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6A SC 17 INCINERATORS

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6F

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

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MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
SHARON MYERS - MEMBER
LAURA WORTHEN - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MR. BRANECKY: The next Item on the Agenda, we're going to get into the public hearing portion of the meeting. Before we do, I know we have a lot of new people here, new faces at least that I have not seen before at a Council Meeting. I just want to explain to you how this process works.

By law, we are only allowed to discuss what is on the Agenda and only those portions of the rule that are open on the Agenda.

Also the Council has no authority or no ability to influence any specific permit, any specific enforcement action, or compliance or non-compliance.

So the discussion today will be limited strictly to what is on the Agenda listed before you or that you should have and only those portions of the rule that have been published 30 days prior that are open for discussion today.

Also, one more reminder before we

get started. If you have a cell phone, if you could turn those on vibrate or silent, it would be helpful. With that, Beverly, we can start.

MS. BOTCHLETT-SMITH: Good morning. I'm Beverly Bothchlet-Smith and I'm the Assistant Director of the Air Quality Division. As such, I will be serving as the Protocol Officer for today's hearings.

These hearings will be convened by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 of the Code of Federal Regulations, Part 51, as well as the authority of Title 27A of the Oklahoma Statutes, Section 2-2-201, Sections 2-5-101 through 2-5-118.

Notice of the April 18, 2007 hearings were advertised in the Oklahoma Register for the purpose of receiving comments pertaining to the proposed OAC Title 252 Chapter 100 rule as listed on the Agenda and will be entered into each record along with the Oklahoma Register filing.

Notice of the meeting was filed with the Secretary of State on November 30, 2006. The Agenda was duly posted 24 hours prior to the meeting at this facility and at the DEQ.

If you wish to make a statement, it is very important that you complete the form at the registration table, and you will be called upon at the appropriate time. Audience members, please come to this podium for your comments and please state your name prior to your comments.

At this time, we will proceed with what's marked as Agenda Item Number 6A on the Hearing Agenda and that is OAC 252:100-17, Incinerators.

Presentation for this rule will be done by Ms. Pat Sullivan of our staff.

MS. SULLIVAN: Mr. Chairman, Members of the Council, ladies and gentlemen, I'm Pat Sullivan. I'm an Environmental Program Specialist working in the Rules Unit of the Air Quality Division of the Department of Environmental Quality.

Today I will present to you the

proposed modifications to the agency rules on Municipal Waste Combustors at OAC 252:100-17, Incinerators Part 5.

On May 10, 2006, the EPA published revised standards for existing and new large Municipal Waste Combustor units in the Federal Register. Categories and entities potentially affected by the final rule are MWC units with a design combustion capacity of greater than 250 tons per day. Standards for MWC units were promulgated in 1995 and implemented in 2000. The Clean Air Act requires review of standards every five years. As a result of this review, standards for existing MWC units have been revised to reflect the actual performance levels being achieved by those units. For new MWC units, standards have been amended to reflect the performance level achievable by MWC units constructed in the future.

Two major revisions result from the EPA review: Revisions to the emission limits, and revisions to compliance testing provisions. Emission guidelines for existing MWC units are revised for dioxin,

cadmium, lead, mercury and particulate matter. The nitrogen oxides emission limit for mass burn rotary waterwall type MWC units is also revised. The New Source Performance Standards are revised for cadmium, lead, mercury, and particulate matter. For both the emission guidelines and NSPS, the emission compliance testing provisions have been revised to require increased data availability from continuous emission monitoring systems. The revisions require CEMS, C-E-M-S, to generate at least 95 percent data availability on a calendar year basis and at least 90 percent data availability on a calendar quarter basis. The emission guidelines and NSPS have also been revised to allow the optional use of CEMS to monitor particulate matter and mercury. Other revisions to the rule include parameters for operational activities by provisionally-certified personnel.

Proposed changes also include an emission limit for fluidized bed, mixed fuel type MWC units emitting Carbon

Monoxide that was promulgated in the July 14, 2004 Federal Register. And correction of a scrivener's error at OAC 252:100-17-21(b) correcting a referenced citation from 40 CFR 60.58b to 60.53b.

The proposed changes take two forms, narrative and, where appropriate, incorporation by reference.

EPA expects these modifications to have minimal cost and no economic impact since the final emission limits can be achieved using the same air pollution control technology that was used to comply with the current emission limits. Existing large MWC units will continue to use their existing MACT control technology to meet the emission limits, and will not incur costs to retrofit equipment. In addition, EPA does not believe that the revised limits will result in any increase in operational or maintenance costs.

When approved by the Council and the Environmental Quality Board, proposed changes to OAC 252:100-17 Part 5 and record of this hearing will be submitted to EPA as

a revision to Oklahoma's existing State 111(d) Plan for Municipal Waste Combustors which became effective January 5, 1999.

Notice of the proposed changes to the rule and its accompanying 111(d) plan was published in the December 15, 2006 and March 15, 2007 Oklahoma Registers. Comments were received from EPA January 11, 2007 supporting the incorporation by reference of the Federal Rule. I have received no comments from the public.

However, EPA gave notice in the Tuesday, March 20, 2007 Federal Register that it had received a petition for reconsideration of this rule from an organization called Earthjustice and that they would reconsider three aspects of it: operator stand-in provisions, data requirements for continuous monitoring, and the status of operating parameters during the two weeks prior to mercury and dioxin/furan testing.

Therefore, staff recommends that Subchapter 17 be carried over for at least one more Council hearing.

Any questions?

MS. BOTCHLETT-SMITH: Do we have any comments or questions from the Council?

MR. PURKAPLE: Pat, I don't know how to ask you the question with my back towards you, so I apologize.

MS SULLIVAN: That's okay.

MR. PURKAPLE: In 100-17-17(b)(3), that's under the lead section, what's in here says an MWC unit shall not exceed, what's here is 0.40 micrograms per dry standard cubic meter. I believe the Federal Register notice says 0.4 milligrams.

MS. SULLIVAN: Milligrams?

MR. PURKAPLE: I believe so. On page --

MS. SULLIVAN: I ve got a note, I will check that.

MR. PURKAPLE: Okay. On page 27-326.

MS. SULLIVAN: Yes, sir.

MR. PURKAPLE: And a second comment is the table in 117-21, municipal waste combustor operating limits. With one

exception, this table looks exactly as it does in the Federal Register notice. And what I would suggest is you consider adding, and this would be on page nine of what we have in the handouts, bubbling fluidized bed. Federal Register notice had combustor. So I would suggest considering adding the word combustor after that one. And the same for the circulating fluidized bed. The Federal Register notice has combustor as well.

MS. SULLIVAN: Yes sir, I will check that, and get back to you.

MR. PURKAPLE: With those two exceptions, I think the rest of it looks exactly like it does on page 27-335 of the Federal Register.

MS. SULLIVAN: Okay.

MS. BOTCHLETT-SMITH: Other comments from the Council?

MR. BRANECKY: I have one comment, Pat, and I know we discussed this earlier. The table Nitrogen Oxide limits on page five and also the table Nitrogen Oxide limits for existing facilities on

page six has limits that state before April 28, 2009 there is a certain limit and after April 28, 2009 there is a certain limit, but on April 28, 2009 there is no limit. So that probably should be "on or after" or "on or before" one of those, whatever it should be.

MS. SULLIVAN: All right. We'll correct it before the next meeting.

MS. BOTCHLET-SMITH: I have one notice of comment from the public. Are you wishing -- do you still wish to comment?

MS. MCGILBRA: I just wanted to commend DEQ and the staff for writing these regulations. They did a wonderful job and I'm sure you probably looked at the EPA regulations; these are much easier to read and much easier to understand and they wrote them fairly fast. So I just wanted to thank the staff at DEQ for these regulations.

MS. BOTCHLETT-SMITH: Before you leave the podium, would you please state your name for the record.

MS. MCGILBRA: I'm sorry. I'm

Bonnie McGilbra.

MS. BOTCHLETT-SMITH: Thank you. I have no other comments or no other commenters who registered to speak regarding this rule. So unless we have other questions from the Council, I think we're ready for a motion.

MR. BRANECKY: Okay. If there is no other discussion from the public or Council, I will entertain a motion of what we would like to do with this rule.

MS. MYERS: Staff recommendation was to carry it forward --

MR. BRANECKY: To the next meeting?

MS. MYERS: -- to the July meeting.

I make a motion that we carry it forward to the July meeting.

MR. BRANECKY: I have a motion.

MR. MARTIN: Second.

MR. BRANECKY: Myrna.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Motion passed.

(End of Item 6A)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6B APP ENDICES E and F

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6B

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

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MEMBERS OF THE COUNCIL

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DR. JOYCE SHEEDY - AQD

MATT PAQUE - LEGAL

BEVERLY BOTCHLET-SMITH - AQD

PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: The next item on the Agenda is Item 6B: OAC 252:100 Appendix E, Primary Ambient Air Quality Standards; OAC 252:100 Appendix E, Primary Ambient Air Quality Standards, the first one being revoked, the second one is a being new; OAC 252:100 Appendix F, Secondary Ambient Air Quality Standards, revoking, and then OAC 252:100 Appendix F, Secondary Ambient Air Quality Standards as a new appendix. And the staff presentation is being given by Mr. Leon Ashford.

MR. ASHFORD: Mr. Chairman, Council Members, Members of the Public, staff proposes to update Appendices E, Primary Ambient Air Quality Standards, and Appendix F, Secondary Ambient Air Quality Standards, to be consistent with recent changes to the Federal Particulate standards.

The Clean Air Act requires that the EPA periodically review and revise the National Ambient Air Quality standards. On September 21, 2006, EPA promulgated the new PM Standards, and set an effective date of December 15, 2006. To be consistent with the federal standards, revocation of the old PM Standard, and adoption of the new PM Standard is desired.

In an additional action, staff proposes to update Appendix F, Secondary Ambient Air Quality Standards, to be consistent with the changes in the Federal Carbon Monoxide standard that was changed in 1985.

On September 13, 1985, EPA issued final notice announcing retention of the existing primary Carbon Monoxide standard and rescinding the secondary Carbon Monoxide standard, to be consistent with federal standards and remove the secondary Carbon Monoxide standard, revocation of the old Appendix F, and adoption of the new Appendix F is desired.

Staff recommends that the revised appendices E and F be forwarded to the Environmental Quality Board for adoption.

Thank you.

MS. BOTCHLET-SMITH: Comments for the Council?

(No verbal response)

MS. BOTCHLET-SMITH: I received no notice of comments from the public. Are

you ready for a Motion?

MR. BRANECKY: You bet. If there is no discussion, I will entertain a Motion. The staff has recommended that we approve this rule and send this to the Environmental Quality Board for their approval.

MR. TREEMAN: So moved.

MR. PURKAPLE: Second.

MR. BRANECKY: I have a Motion and second. Myrna.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Motion approved.

(End of Item 6B)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____
CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6C SC 7 PERMITS FOR MINOR FACILITIES

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6C

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
SHARON MYERS - MEMBER
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EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Next item on the Agenda is Item number 6C. This is OAC 252:100-7, Permits for Minor Facilities. And the presentation will be made by Dr. Joyce Sheedy of our staff.

MR. BRANECKY: Before we get started, can everyone hear us okay? We want to make sure before we continue.

(Discussion about the microphone)

DR. SHEEDY: Mr. Chairman, Members of the Council, ladies and gentlemen, we propose to revise the permitting requirements for minor facilities in Sections 2, 15, and 18 of OAC 252:100-7. We propose to add provisions for an administrative amendment for minor facility operating permits; to replace reference to Subchapter 41 with reference to Subchapter 42: to increase the time allowed to notify the DEQ of a transfer of ownership; to change the throughput limits in methods of calculations for determining permit exempt status for oil and gas

exploration and production facilities; and to change the format of the permit -- I'm sorry, I've lost my train of thought. We also took the opportunity, since we have the Subchapter 7 open though, particularly the subsections, to do some cleanup, to make some changes for formatting purposes and for consistency with our other rules. This is the first time we brought it to the Council, although we did advertise it for the January Council meeting which was canceled. And we did receive some comments before that meeting.

To accomplish our goals, we propose the following substantive changes to Subchapter 7.

On page one, the first sentence we propose to add 252:100-7-18(b) which refers to the new administrative permit amendment, which does not require a construction permit.

And also, on page one, we propose to replace references to Subchapter 41 with references to Subchapter 42.

Then on page two, we propose to make

the transfer of ownership of a stationary source or a facility, an administrative permit amendment, and require the transferor to notify the DEQ, using a prescribed form, no later than 30 days following the change. The 10 day limit currently in the rule will be changed to 30 days as required by the State Statute.

Then on page three, in 252:100-7-2(g)(2)(B), we propose to replace 650,000 standard cubic feet per day with 96,000 standard cubic feet per day and to replace 250 barrels with 40 barrels. The proposed changes to these limits are necessary to insure that facilities that choose to use the limits in revised subparagraph (B) are truly exempt. In the light of current information, the throughput limits currently in this subparagraph, will allow -- could result in violation of the 40 tons per year limit for that exempt facilities. That -- at the time, were based on our best knowledge, but current knowledge now leads us to believe that the -- as I say, would abusing these

limits, could result in a violation. So with the new limits that we are proposing, we had those calculated based on the best information that we have today. And those we feel at this point, competent that if the facility is within those limits, then it should be less than 40 tons per year of actual emissions. And therefore won't be violating the permit exempt facility definition. These new limits are also less than the exemption limits for area sources contained in the revised NESHAP Subpart HH for oil and natural gas production facilities. While we are comfortable with the proposed standards, some members of the regulated community have expressed concern over how they were calculated.

We propose to delete, on page three, (ii), which is redundant at this point. And on page four, 15(b)(1)(A), concerning permit by rule, we propose to replace less than 40 tons per year' with of 40 tons per year or less', to make the form of this emissions limit consistent with the emissions limit in the definition of permit

exempt facility in 7-1.1.

On page six, in 15-(b)(1)(a), I'm sorry I said that wrong, it's on page six we are adding a new subsection (b) to Section 18, to provide for an administrative permit amendment for minor facility operating permits. The administrative permit amendment will not require a prior construction permit and can be used to correct typographical errors, to identify a change in name or address or similar minor administrative changes; to increase monitoring or book reporting requirements; or allow other permit amendments that are not physical or operational changes and that do not result in an increase in emissions.

Then on page seven, we propose to add new paragraph (18)(e)(2) which lists the content that we need to have for an application for an administrative permit amendment.

The other proposed changes are non-substantive in nature and are intended to correct grammar or to make formatting

and terms consistent with other Subchapters in Chapter 100.

We received comments, as I said before, prior to the January Air Quality Council, the date the January Air Quality Council meeting was scheduled.

A letter dated January 11, 2007, from Tom Diggs, Chief Air Planning Section, EPA Region 6 was received by e-mail on January 12, 2007. In this letter, Mr. Diggs stated that the Air Planning Section had no adverse comments to the proposed revisions to Subchapter 7.

We had a letter dated January 11, 2007, from Michael Barnard, President of MOGA, that was received on January 16, 2007. Mr. Barnard suggested that the Air Quality Division develop a time line for newly drilled and completed wells to be evaluated to determine whether a permit is required after the first production at the site.

And we received a letter dated January 17th from Angie Burckhalter, Vice President of Regulatory Affairs, OIPA. She

requested that construction permit requirements for oil and gas exploration and production activities be modified to make allowance for the uncertainly of emissions, before the formation has been stabilized. She asked that action on the proposed revision to Subchapter 7 be postponed, to allow industry and the DEQ to work together to develop language to address this issue.

The revisions requested by MOGA and OIPA will require more research to determine if they are viable and if they are, more time will be needed to carefully craft a change to Subchapter 7, that will not conflict with PSD or Title V requirements.

Because uncertainty exists over the proposed permit exempt standards, we ask that the council continue this rulemaking over to the July meeting.

MS. BOTCHLET-SMITH: Questions from the Council of Dr. Sheedy?

MR. PURKAPLE: Dr. Sheedy, on page three, under this other equipment, we

changed the limits, the throughputs decreased. I noticed in reading this, that apparently this is -- the language that has been there is referenced to annual average, both in the case of natural gas throughput and the case of hydrocarbon liquid throughput.

Is that intended to mean a rolling annual average or would that be a block average? And would it be good to add some clarity to what the averaging period is on that?

DR. SHEEDY: I think it needs to be a blocked average for permit exempt and for De Minimis and not rolling, because looking at it staying less than 40 tons per year. So I think it was our intention to have that as a 12-month, beginning in January and ending with the 3lst of December.

MR. PURKAPLE: Okay. Maybe just another comment about the lower throughput on the hydrocarbon liquid, you've run some calculations, it sounds like, you know that, that is a limit that keeps you from

exceeding this 40 tons per year limit; is that right?

DR. SHEEDY: Our engineering section has done that and they tell me that based on the knowledge, the most up to date knowledge we have of emissions from these kinds of sources, that this should keep us below 40 tons per year actual emissions and less than the trigger levels --

MR. PURKAPLE: Okay.

DR. SHEEDY: -- and for potential emissions.

MR. PURKAPLE: I wonder, in order to go with a little bit of flexibility, if that, no doubt, is based on some kind of generic hydrocarbon liquid, if the flexibility couldn't be such that an operator was able to demonstrate that he was less than the limit, using the actual fluids he's producing or storing even though it might exceed the 40 barrels per day if that wouldn't be equally acceptable, since the concern here is to stay below State load limits.

DR. SHEEDY: Yes, and that's

already included in this rule -- preceding for this rule. I think -- let me see, I don't think I have the right stuff with me. But the definition of permit exempt, allows you to calculate the emissions that you can do so. The only reason that these calculations are in here was to -- as an aid to those smaller facilities that might not have the expertise to do an emission calculations. So we kind of did one for them, and said, we believe you will be safe. That's based on our best knowledge, if you're less than this now, but they can always go back and calculate our measure of -- and this isn't meant to replace that. I mean, even if there is a reason, the limits there must be under 40 tons per year, actual.

MR. PURKAPLE: Okay. On page seven at the top, under E, Permit Application Requirements -- and I'm going to jump into the middle of that sentence, it reads: "and an applications for permit amendment". Is it one application or is it multiple applications? Should it read and

applications or should it read --

DR. SHEEDY: I believe that "s" is in error there.

MR. PURKAPLE: Okay.

DR. SHEEDY: It's a typo. And we are (inaudible) and an application for a permit amendment. I don't think that should be plural in that case.

MR. PURKAPLE: Thank you.

MS. BOTCHLET-SMITH: Mr. Branecky.

MR. BRANECKY: Going back to Mr. Purkaple's question about annual average and Joyce, you said that was a block average?

DR. SHEEDY: Well, I think we decided that for each abuse that we need to do it for twelve, you know, like January 1st through December the 31st.

MR. BRANECKY: Is that consistent with how other annual averages are being interpreted or enforced?

DR. SHEEDY: Well, no there are other --

MR. BRANECKY: I've seen rolling -- an annual average being interpreted as a

rolling average. I think we need to be consistent with whatever we do.

DR. SHEEDY: Well, in this case, I think we would want to be consistent with the PSD or the NSPS, where they do have rolling averages, because it just seems to be simpler when we have a limit of you shall not exceed 40 tons per year actual emissions.

MR. BRANECKY: I agree. Yeah, the block average is a lot easier, but I (inaudible, due to coughing) interpretation (inaudible) I know permitting is, I think, pushing more rolling averages.

DR. SHEEDY: In this case, I intended it to be a block average. There are other cases that is definitely rolling and it says so. You think we -- would you like us to clarify that?

MR. BRANECKY: Well, it needs to be consistent throughout what's being done in DEQ, and whatever you decide needs to be spelled out in the rule, whether it's a block or a rolling, I think it needs to be clarified what it is. It will just save

some headaches down the road.

DR. SHEEDY: Yes. We talked about this earlier, it's just didn't think to put it in.

MR. BRANECKY: Okay.

DR. SHEEDY: We can clarify that.

MS. WORTHEN: On the same section, I have some more questions and comments. On the gas throughput the 40 barrels per day, to me, those are developed based off more of a potential to a net calculations, whereas this is looking more at actuals.

And just based on my experience and having done these calculations, that's more of a worst case number, doing your worst case PTE, and maybe some kind of a table that would provide more scenario, would be a better way to do this, than to have just a set number in here. If that couldn't be attached or somehow referenced.

DR. SHEEDY: That I'm not sure of. I didn't calculate these. I'm not sure if Phillips did -- Dawson do you know who -- I think Eric did them, didn't he.

1 And these are only in the rule at all, to
2 be a convenience, and if it turns out
3 they're not convenient, and they're too
4 composing, and they're not right -- we can
5 take them out because they're not an
6 essential part of the rule. We already
7 have another place in the rule where we say
8 40 tons -- you have to be less than 40 tons
9 a year and the potential throughput has to
10 be less than the trigger levels for PSD and
11 Title V and spells out the other criteria.
12 MS. WORTHEN: And I understand
13 that. I was just thinking that maybe, if
14 we could kind of clarify how these were
15 developed or came about so that some of the
16 smaller industries might have a better
17 guidance on how to look at this, when
18 they're looking at this rule to do those
19 thresholds.
20 DR. SHEEDY: Okay. Dawson, would
21 like to address that?
22 MR. LASSETER: Yeah, I'm Dawson
23 Lasseter. We looked at that possibility.
24 Probably, the easiest thing to do would
25 just be to simply say calculate your

emissions and keep them below 40 tons a year. The calculation itself depends on so many variables --

MS. WORTHEN: Yes, it does.

MR. LASSETER: -- that if we put a table together, the table is going to have to include all variables. We do have a flash emissions guidance that has a straight line curve, that we suggested that smaller industries use to calculate their emissions, but we were told they can't use a straight line curve. It's a little difficult for us then to justify a more complicated chart or curve, but we will try to do that. I just suspect that the more numbers we put on there, the more clarification we're going to need and I don't know how that's going to work. We will do the best we can.

MS. WORTHEN: And I do understand the 40 barrels per day and -- because I've looked at the flash and I know that those can vary widely, depending on your API gravity and pressure and various other things. The gas throughput, I guess, one

that I question more, why it's not consistent with the three of the federal NESHAP or some of the others.

MR. LASSETER: You'll notice it says "and". It says 40 barrels "and". That's the way the rule was written; "and" so much gas, 96 (inaudible).

Again, we get back to the official chart. If it's only gas and it's dry gas, you can have this much. If it's wet gas you can have that much. If it's got liquids you can have this much, and then all the way down to where it's only liquids. So we're looking at maybe that kind of a chart as well. And I know we're going to leave somebody out. I mean this is absolutely worst case. Even the gravity is way, way, way high. But what we were trying to do was to say, if you can't do your own calculation and you don't want an administrative amendment from us, then here is a scenario where we're darn sure you're not going to be 40 tons per year. And it just doesn't turn out to be a pretty small number. And so we can go back and look at

some possibilities and give Council some other options, if you want to look at them. It just will be more complicated --

MR. TERRILL: Let me give you a note of caution about this. The only reason we did this permit exempt, in the first place, was to allow us to devote our time to sources that are of a much more greater risk to public health. And if this is starting out to be a lot more of a time consuming effort than we had anticipated, and if it continues down that road, I'm not adverse at all to revoking this thing or bringing this back to the Council to revoke. Because we're starting to see facilities who bust the 40 tons, and then they don't report. It's kind of a license to do whatever you want to down there on the bottom end. We're going to be looking at attainment issues probably in the next few years, if not this year, and at that point it may become more cumbersome to keep this rule than it is to do away with it.

So we're going to look at this but I can tell you we're right on the edge of

this becoming more of a problem for us then it is of a benefit. And we want to be mindful of those sources, who do not have a lot of impact, and if we can keep from having to deal with them that's fine, but don't make this a lot more complicated than it needs to be. Because if it gets much more then, my opinion is, we don't have the staff to deal with all these little minor nit-picky issues and we'd just as soon permit everybody like we had it before and we can always do that.

So we'll take a look at this, but I got to tell you that those of you who are working on our staff for this need to be mindful that we're seeing a lot of issues with this 40 ton rule that are causing us a lot of problems and we're going to have to get a handle on that or it's going to be something we can no longer live with.

DR. SHEEDY: When we came up with these numbers, they were safe numbers so that we could feel pretty secure that if your throughputs were less than these limits that you would be less than 40 tons

per year, for your entire facility and you would be less than the potential trigger levels -- your potential would be less than the trigger levels for PSD and for Title V.

Now if your facility can't meet these throughputs then you still have the ability to go over and do actual emissions and still be permit exempt. And I don't think we want to get into the position of putting numbers out here that would -- sort of like we would give you our blessing to do something that's going to result in violation of the 40 ton limit for permit exempt facilities -- maybe a company would wind up then with an enforcement action brought by us, or EPA or a third party.

MS. WORTHEN: And I do realize that, because I know that if you run 250 barrels per day at some pressures, you're going to have an issue.

I've looked at the numbers and I can understand that and why that revision was done. But I guess that's where -- maybe if we can have some kind of guidance on maybe how they were calculated, because they did

change and we haven't seen necessarily -- like I said, it's more the gas throughput that I'm -- I'm more interested in why that changed so much, than it is the barrels per day.

DR. SHEEDY: And another reason for some of the change may well be that we wanted it to be less than the exemption level for NESHAP HH, because if you -- if a facility is subject to the requirements of HH, then they can't be permit exempt anyway.

MS. WORTHEN: Correct.

MS. BOTCHLET-SMITH: Do we have any other questions from the Council?

(No verbal response)

MS. BOTCHLET-SMITH: I do have a couple from the public that wish to comment on this; Jay Eubanks with Mid-Continent Oil and Gas Association.

MR. EUBANKS: Good morning. My name is Jay Eubanks. I represent the Mid-Continent Oil and Gas Association and Chairman of this Environmental Committee. All we want to do today is say we

appreciate the staff working with us on this and want to continue to work with this document so that this rule, so that it's clear as to what is required. We're not asking for a lot of changes, we just want clarity in this rulemaking so that the new Subchapter 7, that it fits with the Oil and Gas General Facility Permit, that we just want the staff getting revised and getting it out there for use. And I understand now there's like four or five of those, that people are starting to use.

We just want to make sure we get clarity around this issue. I have concerns that we're saying that we have problems. I'm not sure that we have a lot of problems with facilities out there, that are causing an issue. We just want to be sure that we have, again, the clarity to be able to permit properly and do the things that we have to do, so that we can operate efficiently and within the guidelines of the state. I think that's everybody's concern is making sure that we're in compliance with regulations.

And a lot of this is just getting clarity so that we can be in compliance with the regulations, from the start of our operations until we're finished.

MS. BOTCHLET-SMITH: Thank you. Angie Burckhalter from OIPA.

MS. BURCKHALTER: I'm Angie Burckhalter, and I represent the Oklahoma Independent Petroleum Association.

We submitted written comments on Subchapter 7 and the details are there about our issues and concerns. We have talked with staff on these issues and we would request that you all continue this rulemaking, so it will allow industry and staff additional time to work on this.

We don't think it's going to be complicated. I think we can resolve these issues if we just have a little more time. So we would appreciate your consideration on that.

MS. BOTCHLET-SMITH: Thank you, Angie. Do we have any more discussion from the Council? Questions?

(No verbal response)

MR. BRANECKY: So staff and industry will continue to work until next -- in July -- bring us something in July?

UNIDENTIFIED MALE: Yeah.

MR. BRANECKY: Okay.

MR. PURKAPLE: I move we hold this over until the July 18th meeting.

MS. MYERS: I second it.

MR. BRANECKY: We have a Motion and a second. Myrna, call roll, please.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Motion passed.

(End of Item 6C)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6D SC 37/38 PUMPS AND COMPRESSORS

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6D

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
SHARON MYERS - MEMBER
LAURA WORTHEN - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: The next item on the Agenda is Number 6D, this is OAC 252:100-37-38, Pumps and Compressors. And Mr. Max Price of our staff will give the presentation.

MR. PRICE: Mr. Chairman, Members of the Council, ladies and gentlemen, we are proposing to amend Subchapter 37, Control of Emission of Volatile Organic Compounds, (VOCs), by revoking Section 38, pumps and compressors. Section 38 is an obsolete section.

We ask that the Council vote to send these proposals to the Environmental Quality Board with a recommendation that they be adopted as a permit rule. Thank you.

MS. BOTCHLET-SMITH: Questions from the Council?

MR. BRANECKY: That's an easy one.

MS. BOTCHLET-SMITH: I take that as no questions?

MR. BRANECKY: No.

MS. BOTCHLET-SMITH: Okay. I have a question here. Jay and Angie, submitted their notice of comment, and you indicated Subchapter 7 and 37. Is this the rule you want to --

MR. EUBANKS: No.

MS. BURCKHALTER: It's the next one.

MS. BOTCHLET-SMITH: Okay. All right. Just needed that clarification. We have no comments from the public then.

MR. BRANECKY: Okay. I'll entertain a motion.

MS. MYERS: So moved.

MR. MARTIN: Second.

MR. BRANECKY: Myrna, would you call roll, please?

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Motion passed.

(End of Item 6D)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6E SC 1,8,37,39 VOCs

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6E

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

(405) 721-2882

MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
SHARON MYERS - MEMBER
LAURA WORTHEN - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Next item is 6e, OAC 252:100-1, General Provisions; OAC 252:100-8, Permits for Part 70 Sources; OAC 252:100-37, Control of Emissions of Volatile Organic Compounds; and OAC 252:100-39, Emission of Volatile Organic Compounds in Non-attainment Areas and former Non-attainment Areas. And again, Mr. Max Price will give the staff presentation.

MR. PRICE: Mr. Chairman, Members of the Council, ladies and gentlemen, these proposed amendments to the definition Sections 1-3, 8-1.1, 37-2, and 39-2 are being undertaken to clarify and/or revoke -- remove redundant definitions from Chapter 100. Among the proposals are expanded definitions for particulate matter, (PM), and a refined definition for volatile organic compounds, (VOC s).

This is the third time for the Council to hear these amendments. Only two small changes have been added since the

last Council Meeting; one, the addition of a definition for Total Particulate Matter in OAC 252:100-1-3; and two, a slight change to the definition of Effluent Water Separators in OAC 252:100-37-2.

We ask that the Council vote to send these proposals to the Environmental Quality Board with a recommendation that they be adopted as permanent rules. Thank you.

MS. BOTCHLET-SMITH: Questions from the Council? Okay. I have three individuals from the public, Jay Eubanks from Mid-Continent Oil and Gas Association.

MR. EUBANKS: I'm Jay Eubanks. We've been working with staff on the definition of effluent water separator. It's not something commonly found at an oil and gas site, yet we've been -- member companies have been regulated on that issue saying that certain tanks on our sites were effluent water separators, which they are not. So our concern is that this definition does not clarify what an effluent water separator is and what its

use is and how it applies to oil and gas industry.

We would like to continue working with staff on getting a definition that meets that requirement so that we can -- we will not have a effluent act brought against us and others in inspections against us, saying we have a effluent water separator, which then we have to go prove that we do not. Thank you.

MS. BOTCHLET-SMITH: Thank you, Jay. Angie Burckhalter.

MS. BURCKHALTER: Angie Burckhalter, with the Oklahoma Independent Petroleum Association. I support Jay's comments on the definition of effluent water separator. Staff has tried to define by inserting the term "waste" in that definition. We would like to see staff go a step further and as Jay said, try to exclude this type of equipment on oil and gas sites, just to try and prevent any future problems with that. Thank you.

MS. BOTCHLET-SMITH: Russell Kroll, with Doerner Saunders.

MR. KROLL: My name is Rusty Kroll and I'm speaking on behalf of Public Service Company of Oklahoma. We submitted some additional written comments this morning, and have on two prior occasions, submitted comments to the Council, on the proposed definitional change of particulate matter and particularly the change to include "condensable particulate matter" in addition to "filterable particulate matter", in the scope of that rule.

At the last Council Meeting in Broken Bow, several of the Council Members requested data to support our statements and our comments that condensable particulate matter indeed makes up a considerable portion of the total particulate matter for coal-fired utility boilers. And we have done that today.

We presented the data in three forms basically. One is in the original NSPS by EPA, in the early 1970's. Interestingly enough, they first promulgated the rule for coal-fired utilities, to be based on coal particulate matter, including condensables

and filterable. And that number was .2. There were a lot of comments expressing concerns about the test methodology for condensables, to include artifacts that would were made from the sampling process, that would never be particulate in the ambient air. EPA responded to that and agreed that on the present data at that time, that filterable particulate matter was the way to go. So in recognition of that, they cut the limit in half from .2 to .1. Based on data from about 15 power plants that showed an average of about 50 percent of the total PM was condensable. So that's one data point.

The other data point is in a recent article by Air and Waste Management Association. In 2000, well there was a survey of about seven different facilities and that showed a high level of condensables in the total particulate matter, anywhere from about 49 percent all the way up to 90 percent, with an average of about 49 percent.

We've also put in some information

concerning PSO's facility. That shows anywhere from about 50 percent up to about 75 or 80 percent is condensables ,as well as similar data from AEP s facility in Texas.

I think it pretty well establishes a solid record that condensable materials for coal-fired utilities contributes the majority, at least as much as the filterable. It's important because of this.

There's a state statute that says, that you can't pass a state regulation that is more stringent than federal regulation without an economic justification. In other words, state legislature has told us we want to see the reasons for something more stringent than the federal standard. When we have a federal standard that's applicable to coal-fired utilities in .1 pounds per million BTU's.

If you put a chart and paper today, but depending upon the condensable fraction, the proposed rule is kept potentially three or four times as

stringent as the federal standard. We just had an issue that there's been no, to my knowledge, a justification analysis of why we should have a more stringent state statute. And the requirements of the statute say that the rule can't be considered unless that has been developed and also submitted to the state legislature and government.

Since the last Council meeting, Mr. Terrill and staff have searched the records to determine, I guess, any history that we had on the state rule and the only thing that it looks like that's been discovered as it pertains to the coal-fired utilities, was an early 1970's policy by ODEQ which in certain circumstances required the full sampling train. I want to read you part of that -- this is a 1975 version of the source sampling procedures. And it says that for particulate sampling, full train shall be used except in those cases for the state and/or federal particulate emission standards were promulgated based on the use of only the front half of the sampling

train. Well, there is no early data from Oklahoma that says what ours was based on. The fact that one size of utility boiler, it is exactly the same as the federal standard of .1, I think leads to the conclusion that at the time that we intended to only use the front half.

So to me, this rule is more stringent than the federal equivalent rule and, therefore, should not be passed as is until we have an economic justification. And we'll say that another state, Texas, has looked at this very same issue and has come up with a higher limit for the applicable coal-fired utility boiler at .3 or three times the federal limit in recognition of the condensable fraction and it would seem that that would be a possibility of dealing with this situation of not making rules more stringent than the federal rule.

Thank you very much.

MS. BOTCHLET-SMITH: I don't have any other notices of comment from the public. Do we have further questions or

discussion from the Council? Mr. Treeman.

MR. TREEMAN: I guess it's my understanding that this isn't a new rule, it's just clarification of existing one?

MR. TERRILL: Let me just comment on both the effluent water separator and then the condensable issue and if I mis-speak, I hope staff will speak up and say I've incorrectly stated something.

I don't know that we're going to be able to find an answer to this effluent water separator issue that's going to be satisfactory to our existing rules and to the concerns that have been raised today. We did have an individual who had a contrary belief that we held relative to what constituted an effluent water separator and what didn't. To my knowledge, we did start a couple of enforcement actions that never went anywhere once we realized internally we had this conflict. I don't think this is an issue. I think it's something we've resolved internally and I think we've tried to look at trying to fix this so that it

has more clarity, and in doing that we create other problems in other parts of our rule. And so I don't know that we're going to be able to come back with anything different than what you see today relative to effluent water separators.

Relative to condensables, I don't know how many times I can say this. We have always required the condensable portion to be included when you're calculating your total PM emissions. We do not calculate condensables when you're figuring your NSPS requirements and meeting that particular part of the federal rule. It's a little bit disturbing to me to hear a suggestion that significant portions of emissions from our plants maybe not being considered in their overall emissions because that tells me that we've got a bigger issue here than maybe a clarification of the issue. This comes up every five or six years and we just got tired of trying to go back and retread this ground relative to condensables.

We do not believe that this is a

strengthening or making more stringent our current rule. We believe it's been part of our SIP, we believe it's been part of the calculation that went into writing of the SIP to show that we're in compliance with the rules and we just don't think that this is -- all we're trying to do is make it clear when some folks want to argue otherwise that, yeah, we are requiring this. We believe we've been consistent about it and we have not seen in our calculations where when you figure this in, the back half in with the front half, with coal-fired plants that they bust their permit limits that we're aware of. We've looked at it and we think they're well within -- all of our utilities are well within their permit limits when you consider both front and back half.

So we can argue this from now to a year from now but we believe that we're correct and I don't know that we're going to do anything different. We'll continue to bring the rule back as is.

MR. BRANECKY: Joyce.

DR. SHEEDY: I can say from personal experience -- on this issue I can say from personal experience, I came to work in Air Quality in 1979, at that time we, for the state, determined if you complied with the state standard that we did for front half and back half. The only time we didn't do the back half was when it was an NSPS federal standard, which was clearly based on the front half. And in the early '80's this issue came up and it -- we remained with the front half and the back half. I was told at that time that our standards had been set with that in mind and those standards I think predate the requirement for a economic justification. I'm not sure if they predate federal standard as well.

MR. TERRILL: But the problem we've got here is what's been corrected in the way we conduct our Council meetings. All the discussions that we could go back to, it was the way they did business. They did off the record discussions in the morning and the afternoon they came in and

they made the rule. We've changed that policy so you will see everything, warts and all, when we make these rules. And there's been a consistent record now going back a number of years. When you go back and you look at discussions in the 70's and 80's, there is not this recorded trail of the discussions with the Council and the public. So it's unfortunate that that's the way things were done then, but that's the way they were done.

MR. BRANECKY: I guess what I would -- and I mentioned this at the October meeting, on the Appendix C and D, I guess it is, that actually has the standards in it. I've been around for 30 years and I think the knowledge -- our knowledge of the process, our knowledge of measurement techniques have changed in 30 years. I think it's time that we look, reevaluate those appendices and re-look at those standards. If we can justify keeping them the same then keep them the same, but it's been 30 years and we're trying to comply with a standard that's 30 years old.

I think it's time that we step back and look at it, and I'm not ready to adopt these changes unless we re-look at those standards.

MR. TREEMAN: Did you not say, Eddie, that when the staff looked this over, the people -- there would not be compliance issues based upon using the back half?

MR. TERRILL: We don't think so. We think there is plenty of --

MR. TREEMAN: Is it a fee issue or most of these people meet the emissions fee cap anyway, haven't they?

MR. TERRILL: Oh, yeah.

MR. TREEMAN: So it's not a fee issue either?

MR. TERRILL: I don't think it's a fee issue.

MR. BRANECKY: Well, I guess what Mr. Kroll has given us, they come up with different numbers than what you have. They're showing three times as much from the condensables; is that right, Rusty?

MR. KROLL: Yes, that's right.

Three times -- there's data that showed more than that. At least equal to the amount of filterables.

MR. TERRILL: Does it show a violation of the permit limits?

(Multiple inaudible conversations)

MR. KROLL: What the contribution of the condensable and filterable are and certainly within the realm of what those condensables could be, there is a potential to have compliance issues and there is a multitude of different variables that would go into that, but given the fact the federal standard was a .1 million BTU s an hour, when the feds consider including both condensables in the front half, they had a limit twice that. That tells me that EPA recognized that when you include both fractions, you need to have a higher limit. I think that's the most telling statement in these facts.

MR. BRANECKY: Any further discussion from the Council? I guess it's up to us to decide.

MR. PURKAPLE: David, I want to

ask -- Mr. Branecky.

MR. BRANECKY: Yes?

MR. PURKAPLE: You commented on the appendices in the rule, did you say Appendix C?

MR. BRANECKY: I think it's -- is it C and D?

MR. PURKAPLE: "C" is the allowable rate of emissions for indirectly fired fuel burning units.

"D" is for wood fuel burning units.

And then you go over to "G" is the allowable rate of emissions.

Is it "C" and "D" that you are referring to?

MR. BRANECKY: Whichever one it is. Yeah. There's one that applies to direct fired -- indirect fired -- indirectly fired --

MR. PURKAPLE: When it's part of this process, is it possible to go back and see if those tables need to be updated or --

MR. TERRILL: When we looked at

the tables -- and Dawson correct me, or Philip, if I'm wrong -- we looked at this and we still don't see a violation for any of our facilities when we looked at this. And maybe there is a disagreement -- I guess there could be a disagreement and maybe we're being too lax in our --

MR. BRANECKY: I'm not saying whether we need to go back and look to see if we've had any violations, I'm saying we need to look at where these numbers came from. We don't know where these numbers came from 30 years ago and I think it's time to reevaluate the basis for those numbers and if they need to be the same, that's fine, if they need to be higher, that's fine. I just think 30 years is a long time and things have changed and I just think we need to re-look at them.

MR. TERRILL: And that's the problem, we don't -- we couldn't find where they came from because for the very reason that I stated that the discussions were not had on the record if you will and they just don't exist. So Dawson, you may --

MR. LASSETER: I'm Dawson Lasseter and I just was going to ask if you want us to do something please be real clear on what you want us to come back with, how you want us to approach it, so that we don't get the wrong idea and come back with something you didn't have in mind. I just want to make sure that we are clear.

MR. BRANECKY: There must have been a basis for these numbers back in the '70s of why they picked these numbers.

MR. LASSETER: We don't have a record of that.

MR. BRANECKY: Well, how would you come up with numbers today, if you wanted to promulgate a standard for particulates for indirectly fired units, where would you start? How would you do that?

MR. LASSETER: We can take that approach if that's what you would like.

MR. BRANECKY: I guess that's what I think. These things are 30 years old and I just think it's time to

reevaluate them. Now it's up to the Council to agree or disagree, but that's what I'm thinking.

MS. WORTHEN: One comment. I know, Eddie, you talked about the violations. I think many of these requirements say the pound per hour limit is based on a front half only, for a pound rather than BTU, I know that's what the NSPS is based off of and some of the ones I've looked at. It's not necessarily a violation, it's more of a clarification, are they meeting Subchapter 19 and so it would be in that respect. Mostly it's probably they aren't violating their pound per hour limits because those are probably based on a front half only.

MR. PRICE: Can I answer about some of the comments made, please? Thank you. Max Price.

I looked back to find my permit record -- I went back through the archives, I went in on the computer, that s my expertise, I search computers, and in every case where the NSPS rules apply to the

industry -- in every case, dating back as far back as our computer records go, back as far as the '90s, front half for NSPS was specified in the permit. And for our rule 19, both were specified, front half and back half, front half was applicable and never in conflict in parenthesis -- and as far as the sources for this stuff goes, people go back to what EPA used to write their tables, if you like. We don't have hard copies of this, but that is available. And we found defined copies of that.

But the point I'm trying to make is that the definitions are really -- the definitions are a common use. This doesn't affect Subchapter 19 directly. We're not proposing any changes to 19 at this point. I don't see why we can't pass these definitions and then come back with 19 and remove them if that's what Council wants to do.

MS. BOTCHLET-SMITH: Rusty, if you're going to make a comment, can you come back to the podium so we can hear you? We're have a little trouble with our

recorders.

MR. KROLL: Thank you. I just wanted to point out that if the definition to particulate matter is changed, that the same definition is what is used in Subchapter 19 for compliance purposes. Therefore, if you change the definition in this section, it then immediately affects the ability to show compliance with Subchapter 19. And I can speak to you the (inaudible) permit does not speak to whether condensables are to be included for the purposes of compliance with Subchapter 19. It does not speak to that.

So if we pass this definitional change, you're going to have a circumstance where compliance with Subchapter 19 can be impacted. Any facility has a substantial portion of condensable particulate material that's generated as part of the process like coal-fired utilities.

MR. BRANECKY: Any other discussion from the public? Matt?

MR. PAQUE: My name is Matt Paque, I'm an attorney with the Air Quality

Division. I would suggest that the Council decides that this issue is one to continue on. I would suggest that the Council go ahead and approve the amendments to the definitions of VOC's, that was to address the tert-butyl acetate issue. In the state of Oklahoma we have several facilities that utilize paints that contain tert-butyl acetate and it has created somewhat of a gap in the regulations in how we handle that substance. So if the Council is not going to move forward with the entire rulemaking of this, I would suggest that they maybe consider those amendments toward VOC definitions of this rulemaking so we can get those requirements clarified.

MR. BRANECKY: Okay. If we do pass that definition, but continue the other, what's going to happen between now and the next meeting? What's going to be brought back to us? Are we just going to be in the same spot we are today with respect to the definition of particulate matter?

MR. TERRILL: We're done, unless

the Council gives us some direction. Now, obviously, you all can give us some direction on something you would like to see us clarify but I don't know what else we can do to clarify this anymore.

DR. SHEEDY: We're not changing the way we're interpreting that anyway, we're just changing -- making the definition clear; isn't this correct? We're already interpreting what it means, front half, back half.

MR. TERRILL: That's correct.

MR. BRANECKY: Identify yourself.

DR. SHEEDY: This is Joyce Sheedy with the Air Quality Division. I just said that it's my understanding that we're interpreting -- our interpretation is that front half, and back half are both included in determining whether or not Subchapter 19 standards are met at this time regardless of what the definition says. That's been our interpretation over the years. So what Max was doing wasn't really changing the way we were approaching it, it was just putting it in writing.

MR. BRANECKY: All right. What are we going to do?

MS. WORTHEN: As a Council, can we recommend that they review those appendices and provide guidance on --

MR. BRANECKY: We can give them direction, what we'd like for them to bring back to the July meeting.

MR. TREEMAN: How would they approach that? I mean they have nothing to base it on. It's almost like rewriting those appendices and your back and --

MR. TERRILL: I don't know what we'd base it on, either. We can take a look at it and --

MR. PURKAPLE: Eddie, do you reckon there's any help from any other states that have comparable PM limits that may have some documentation on justification background?

MR. TERRILL: I don't know. There could be, but everybody looks at this issue a little bit differently. The fact that this is an artifact of 30 years ago I imagine most of them have been corrected

and moved on.

MR. PURKAPLE: So this was something that we developed as a state requirement? I mean there's nothing federal wise, for these limits and these appendices, that we can go back to that that says this is the basis for this?

MR. TERRILL: I don't think so. Max, do you want to --

MR. PRICE: Yeah. There was nothing existing in the NSPS rules when we passed these rules. As I said, I think we used the same material that EPA used to develop their original table in (inaudible) way back when and those date from the '60s. And there s two publications that are still available that EPA based their calculations on, I'm willing to bet, I don't know this for sure, but I'm willing to bet we based our calculations on those same two publications.

MR. PURKAPLE: Was it possible to retrieve those and look to see if --

MR. TERRILL: We can try. I don't know if we'll be successful or not,

but we can try. The whole purpose of this, is for us to have an accurate emissions inventory. I truly don't understand why there is so much consternation about that. We're not looking to create a compliance issue for the utilities, but I do want to have an accurate emissions inventory. I want to know what the PM emissions are both front and back half. And that's what we've always required.

MR. BRANECKY: Well, would the amendment then be for emissions inventory purposes only, you use front and back half?

MR. TERRILL: I don't know that that's not what we've been doing anyway.

MR. BRANECKY: Well, do we need to put that in the rule? Would that satisfy the people?

MR. TERRILL: I don't know whether it will or not.

MR. LASSETER: I m Dawson Lasseter. We do need it for these purposes, an accurate accounting for what the emissions really are.

MR. BRANECKY: So emission

inventory and PSD, all of it.

MR. TERRILL: Again, if you start trying to write this so it's that prescriptive, then it creates other problems.

MR. CURTIS: I guess I'm a little naive. I guess I have a question whether or not on over 30 years of reporting and monitoring, are there sources out there that have only been reporting front half?

MR. TERRILL: That's a good question. We don't think so. We think everybody's been reporting -- when you say everybody, you're always going to have a few percentages that are not, but for the most part, we believe that what we've been getting is front and back half on these issues when they've been reporting emissions inventory.

MR. CURTIS: So there has not been a compliance issue?

MR. TERRILL: To my knowledge we've not taken an enforcement action against anyone relative to this issue, nor am I looking to do that now.

MR. BRANECKY: Can we quote you on that?

MR. TERRILL: I said it, it's on the record.

MR. PURKAPLE: And for facilities for which they think there's a problem, DEQ will work with them.

MR. TERRILL: Yeah. They need to come in because obviously we've missed something because it's been our belief that they've been reporting front and back half and it's been part of their records. Now this is --

MR. BRANECKY: Okay. Before we get any further, our court reporter is getting tired, needs a break. Should we go now or can we finish this up?

COURT REPORTER: We can finish this.

MR. BRANECKY: We'll take a break after this before we get into the next item on the agenda.

MR. CURTIS: I guess I'm going to step out on a limb here. The staff has recommended that the Council vote to bring

these proposals to the Environmental Quality Board, and I so move.

MR. MARTIN: Second.

MS. WORTHEN: I was asking the question if we could do that because I intended to do that in the motion.

MS. BOTCHLET-SMITH: I think we have a Motion on the table.

MR. BRANECKY: We have a motion on the table. We have a motion that we approve as proposed by staff and send to the Board as a permanent rule and we have a second of that motion. So we need to take a vote on that.

MR. MARTIN: Can we have a discussion?

MR. BRANECKY: We can discuss --

MS. BOTCHLET-SMITH: You all can discuss it.

MR. MARTIN: I would like to hear what motion were you going to make?

MS. WORTHEN: Just that we -- if we carried forth the particulate matter, we give the DEQ direction that we'd like to see those Appendices C and D reviewed for

what the basis was.

MR. CURTIS: Could that be a separate action?

MS. BOTCHLET-SMITH: I think that could be a separate action, otherwise, you would need to -- we would need to vote on the amendment and you would have to amend your motion and then we would vote on the original motion that is now on the table.

MR. CURTIS: The reason I say a separate action is that I don't believe this is going to be an easy matter to address.

MS. WORTHEN: I agree.

MR. CURTIS: I think it's going to be a lengthy matter. And that just leaves this rule hanging out there. It doesn't preclude us, in my opinion, from modifying it at a later date, if through that investigation we find something different.

MR. TREEMAN: I've got a question. What's the downside from the staff's perspective if we put it off, other than it's just been hanging out there,

what's the downside of waiting one more meeting and reviewing those appendices?

MR. BRANECKY: And reviewing those at the same time.

MR. TREEMAN: I mean, yeah, the VOC issue, I mean --

MR. TERRILL: We need to split it if we're going to do that because the tBAc -- we do have some folks that are real concerned about that.

MR. BRANECKY: Yeah, there's the tert-butyl acetate issue that really needs to go through today.

MR. TREEMAN: But is there a downside as far -- other than just extending the work load out on this particular -- it came to be a pretty contentious issue to appease some people and look at the appendices.

MR. PAQUE: I can speak to that just a little bit. When I suggested separating the issue, I would point out that due to the way our rules process works in Oklahoma rules would not be finalized until June of next year. So you could

continue it on to July or into October and it would not make no effect of when the rule would become effective. I don't know, I'd have to turn to staff. I think the kind of work you're talking about, looking at those appendices would take more than just now to July or now to October. It is a significant task. So I think the Council passing it will certainly gives this more flexibility that tert-butyl acetate is going to move forward. I would just point out that during the process it would not be effective until next June.

MR. BRANECKY: All right. I guess currently we have a motion on the table for approval of the entire package that DEQ presented before us today. And we had a second. So we need to act on that.

MS. BOTCHLET-SMITH: We need a vote.

MR. BRANECKY: We need a vote and then we can, after that, direct DEQ to do anything additional we would like at this point; is that correct?

MS. BOTCHLET-SMITH: That would

be correct.

MR. BRANECKY: We need to vote on the motion we have before us right now. Do we have any other discussion before we move?

MR. TREEMAN: I ve got one. What Matt just said though, if we vote down this rule and then it comes -- the clarification comes out in the July meeting and we vote thumbs up on the rule, it will not change the implementation time on it.

MR. PAQUE: If Council votes no on the rule then you may not be able to bring it back.

MR. BRANECKY: You d have to continue it.

MR. TREEMAN: That's what I meant. I'm sorry.

MR. BRANECKY: The next implementation date is going to be next June, whether we act today or July or October or even next January.

MS. WORTHEN: The Motion is to pass it. So do we need to amend that?

UNIDENTIFIED FEMALE: We need a

vote.

MR. BRANECKY: We have a Motion and a second, so we need to vote on that.

MS. WORTHEN: We've just got to vote.

MR. BRANECKY: If you don't like it, then we'll kill it and have them come back and do it again. But I need a -- Myrna, we need to take a vote.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: No.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: No.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Yes.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: No.

MS. BRUCE: Gary Martin.

MR. MARTIN: No.

MS. BRUCE: Sharon Myers.

MS. MYERS: No.

MS. BRUCE: David Branecky.

MR. BRANECKY: No.

Okay. We're back where we started. So at this point we can entertain another

motion.

MS. WORTHEN: Before I say the motion, let's clarify what we want to say here. Do we want to go ahead and pass the VOC portions as they are and just carry forth the particulate matter so the VOC portion doesn't come back?

MR. PAQUE: That would be my suggestion.

MS. WORTHEN: Okay.

MS. MYERS: Matt, does that go into effect if we do that?

MR. PAQUE: It would not. Like I said it wouldn t go into effect. It has to go to the Board, of course, for consideration before the board and then it has to go through consideration by the legislature and the Governor to be effective June of '08, but I think the fact that the Council has passed those amendments on, that helps us in our flexibility, the way we ve been handling that tert-butyl acetate substance.

MS. WORTHEN: Now is the tert-butyl acetate in the same -- it's in

Subchapter 1 just like the particulate matter, correct?

MR. PAQUE: Yeah, it's in Subchapter 1.

MS. WORTHEN: Okay.

MR. PAQUE: As are some of the other definitions that are being talked about.

MR. PRICE: It s in the VOC definition and it s also in the 37, 39.

MR. BRANECKY: So we could just pass that portion of Subchapter 1? That definition?

MR. PRICE: You could pass -- if you look at Subchapter 1, it s the only one that has the problems. And let me point out where you can probably get away with it, if you want to do that. On page two, Here s where you find condensable particulate matter. On page three is where you find the definition for filtrable particulate matter. And on page nine, is full particulate matter, which we ve added -- which includes both.

MR. PAQUE: Let me make a

clarification, I don t think I was clear on something, on Subchapter 1, all those definitions are in the same section and due to the rules of rulemaking, we would not be able to bring those definitions in that section of Subchapter 1, back until after June of 2008. So the particulate matter definitions that are in that section, we could not open back up for consideration. If there's a yes or no -- I think Council -- that section just could not be opened until June of '08.

MS. WORTHEN: Can we make the motion such that we continue those portions of Subchapter 1 dealing with particulate matter but go ahead and close out the VOC, which has got the tert-butyl acetate in it?

MR. PAQUE: In Subchapter 1, no. With the rulemaking, we wouldn't be allowed to notice the section again.

MS. WORTHEN: So we'd have to move to carry Subchapter 1 forward to the next meeting and move to pass the others as presented?

MR. PAQUE: You could pass 37,

39, but it wouldn t necessarily solve the tert-butyl acetate issue. I think when I spoke earlier I was thinking about more of a longer continuation because we just can't vote -- we can't vote on a section and pass limits to a section and then reopen it again until we've gone through the whole rulemaking cycle.

MS. WORTHEN: Right. We re trying to figure out how to exactly word this motion.

MR. TREEMAN: I think, based upon what he says, you just have to continue it.

MS. WORTHEN: Just continue the whole thing.

MS. MYERS: Continue all of it with a direction to the agency to look at those appendices.

MR. BRANECKY: Review the appendices.

MS. WORTHEN: So do we want to go ahead and move to go ahead and close out "8" and continue all of that?

I'd like to make a Motion that we continue the entire package onto the next

Council meeting, the July Council meeting, with direction to the DEQ to review appendices C and D.

MR. PAQUE: G, please.

MR. BRANECKY: Oh, G also?

MS. WORTHEN: And G.

MR. PAQUE: Not D.

MR. BRANECKY: Not D?

MR. PAQUE: D is for wood burning.

MR. BRANECKY: Okay. Sorry. C and G?

MR. PAQUE: Yes.

MR. BRANECKY: C and G.

MS. WORTHEN: Okay. I will amend the motion to carry forward the direction to review appendices C and G.

MR. BRANECKY: All right. We have a Motion.

MS. BRADLEY: I would ask for some clarification here. Staff, this is Cheryl Bradley of the Air Quality Division.

Given the expected time frame for reviewing those appendices, it is unlikely that we would be able to bring it back for

the next Council meeting given the time frame we're looking at for July. And I would like some clarification as to the expectation of the Council on the time frame they would like us to address those.

MS. WORTHEN: Okay. Continue it to the October meeting.

MR. BRANECKY: I think you should direct the staff.

MS. WORTHEN: I withdraw my motion and will re-state it.

MR. BRANECKY: I think you should direct staff to begin review and -- with the anticipation of bringing something to the October meeting.

MS. WORTHEN: Okay.

MR. BRANECKY: Would that be better? Something like that?

MR. PAQUE: And maybe a status at the next meeting.

MR. BRANECKY: Yeah.

MS. WORTHEN: I'd like to move that we continue this package onto the next meeting with the recommendation that DEQ review appendices C and G, and provide more

data on that in the October meeting, but a status of it in July.

MR. BRANECKY: Okay. I have a motion. Second? Anybody want to second?

MR. PURKAPLE: Can you read that back, please?

MS. BRUCE: We have a motion to continue the package to the next meeting, review C and G in October, with a status report in July.

MR. BRANECKY: Okay. I have a motion, do I have a second?

MR. PURKAPLE: Second.

MR. BRANECKY: I have a second. Myrna, call roll, please.

MS. BRUCE: Laura Worthen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis.

MR. CURTIS: Okay.

MS. BRUCE: Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

(End of Item 6E)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

6F SC 44 AND 111(d) PLAN

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 6F

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

MEMBERS OF THE COUNCIL

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RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
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STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Okay. Our next item on the Agenda is Number 6F. This is OAC 252:100-44, Control of Mercury Emissions from Coal-fired Electric Steam Generating Units and proposed Mercury 111(d) Plan public hearing.

These are on the Agenda together, but the first one is for action by the Council, the second, on the 111(d) is for comments. And I believe Mr. Morris Moffett, who is giving the staff presentation, will give you more information on that.

MR. MOFFETT: Thank you. Good morning, Mr. Chairman, Members of the Council, ladies and gentlemen.

The Department is proposing a new OAC 252:100-44, Control of Mercury Emissions from Coal-fired Electric Steam Generation Units. On March 15, 2005, EPA issued the Clean Air Mercury Rule (CAMR), to permanently cap and reduce mercury emissions from coal-fired power plants.

In response to the federal rule, the Department is proposing to incorporate, by reference, the Federal Clean Air Mercury Rule or CAMR, the Model Rule.

This is the third hearing on the Clean Air Mercury Rule. The earlier hearings were held on July 19, 2006, and October 18, 2006. A scheduled Council Meeting, in January, was cancelled due to inclement weather. Due to the comments received, since the last Council Meeting, urging stricter controls than the Federal Model CAMR or more time to study developing Mercury Control Technologies, the staff is recommending the Council hold over the rule, until the July Council Meeting. Notice of the proposed rule was published in the Oklahoma Register on March 15, 2007 and comments were requested from members of the public.

The Clean Air Act requires a state to prepare a 111(d) Plan in order to implement the CAMR.

This Air Quality Council Meeting will serve as a public hearing as required

in that 111(d) Plan.

Notice of the 111(d) Plan was published in the Oklahoma Register on March 15, 2007. Prior to and at this meeting -- at this public hearing, the Department has solicited public comments regarding the 111(d) Plan. The Council does not need to take action on this item. Thank you.

MS. BOTCHLET-SMITH: Questions from the Council for Mr. Moffett?

MS. MYERS: Morris, basically, what you've just presented is incorporation by reference for existing federal rules?

MR. MOFFETT: For the Federal Model Rule, yes.

MS. MYERS: And that one has been out there for --

MR. MOFFETT: That was one of the three choices originally, and that was one that after two Council meetings, we expected would be one we would go forward with. It's the same rule, yes, ma'am.

MS. MYERS: Okay.

MR. PURKAPLE: What kind of a deadline are we under in order to have

something pass?

MR. TERRILL: That's a good segaway into something I wanted to say. So before we go to the public, since we've got a lot of interest in this rule, which I'm glad to see that we do, I want to kind of give a little bit of background on what we do and don't know, about our mercury situation here in Oklahoma.

We realized a couple of years ago that we did not have any idea really as to what extent, if any, we had relative to a problem with mercury in our water bodies. So one of the things that we've done -- we were able to do this, because we were able to get the toxics grant or the toxics -- general appropriation dollars for our toxics program. We've established two wet weather monitoring sites for mercury, in Cophand and McGee Creek, and we've decided that we needed to add two more, looking at the Wichita Mountains area, and also the western part of the state. We had some feedback from the folks that run the national network and they said it would be

helpful to have some idea of what was going on in that part of our state. So we've established -- we're in the process of establishing two sites there. And given the coverage that we have from the Cherokee Nation with their two sites, we believe we've got a pretty good network established for determination of mercury deposition in Oklahoma.

The next step is, what about our water bodies? The data that we've got is woefully out of date. We've asked for money from the Legislature for the last three years, that I know of and maybe further back than that, to initiate another round of fish sampling, and we're not going to get that, so we were able to because we didn't start our sampling projects on our toxics program in Tulsa, we didn't get our contracts in place as quickly as we would like. We've got some money that we've allocated to be used by our Customer Service Division, they're the ones that run our lab. They're going to contract with folks in other state agencies and we're

1 going to get out in a fairly aggressive
2 manner and start doing fish flesh sampling
3 in our major water bodies, to try to
4 determine do we have an issue in the state.
5 And that really kind of goes, in my
6 opinion, to what we would do with existing
7 sources. We really looked hard and tried
8 to find a definitive study, that said that
9 if we controlled our existing sources, we
10 would that eliminate any hot spot issues,
11 if we determined we had any. We found
12 information on both sides of that issue. I
13 mean, we found some states that say, yeah,
14 there definitely will be a hot spot issue
15 created by this rule. We've seen others
16 that say no, it doesn't. I know that a lot
17 of the Air Directors in the Great Lake
18 States, that I respect a lot, don't believe
19 the hot spot issue will be something that's
20 of concern to them, but then again a lot of
21 other states, for other reasons, have gone
22 to a more strict standard.
23 So for us, it's really a question of
24 what do we do with our existing sources and
25 do we want to require something that's

stricter than the federal rule for them. And I think it should be said, that if we can't provide data that says, that we will be able to effect localize mercury levels, is the fact that if it goes into the global pool at all, which we believe that's where a lot of it will go, is that worth it to the citizens of Oklahoma to pay the cost to remove it. And it's worth it to me, but I'm not struggling to pay my utility bill every month, either.

So I think we need to have some additional data, relative to what it would cost to retrofit existing facilities, because there will be a cost associated with that. For new sources, I do think we need to be stricter. That's just my personal opinion, I've always felt that.

We're looking at the requirements under CAMR, to see what the NSPS would require of new sources, and it's been very difficult for our technical staff to get a real good idea as to what new sources would be required to do, as opposed to say requiring a 90 percent reduction.

So we would also -- that's another reason, we believe, that we would like to carry this rule over to get some more input. And I would like the input from the public who are here today, if they've got data that would help us determine both sides of this issue, for existing sources and new sources, we would like to have that.

But the real reason we've really carried this over for so long, is I am convinced the EPA proposed this rule under the wrong section of the Clean Air Act and I still believe that. I thought by now that the court decision would have been made and they would have referred this back to EPA for further consideration. But now it looks like that the arguments, both written and oral, will not take place until sometime this summer, and we don't look for a decision until probably January. So it's going to be a while before the rule is sent back.

But given the Supreme Courts decision, on greenhouse gas and NSR, to me

this is a no-brainer. I really believe they looked at this rule under the -- they promulgated this Mercury Rule under the wrong section of the Clean Air Act, and I think it's going to get sent back.

Time lines -- it's my understanding that if we don't have a federal rule or a rule submitted of some sort by the middle of May, then we're going to get what's called a FIP, Federal Implementation Plan notice, and all that really means is we've got 18 months from the time we get the notice to submit a plan or EPA will implement their own plan. To me, that -- I don't really care about that. To me, we need to get a rule that's good for Oklahoma, and I really don't want to do something that's going to end up where we're going to have to come back and look at it again. I really think we're going to look at this rule again, if we pass something today.

MS. WORTHEN: Eddie?

MR. TERRILL: Yes.

MS. WORTHEN: On that note, I

have a question. Depending on the different ones, I know there is various implementation dates, if we don't incorporate the federal rule and we hold off, how close is that going to get to various facilities before they start bumping up the date, where they're going to have very little time to budget and install the controls, if they have to retrofit existing sources? I mean, budgets are usually planned a year out at some of these industries; a year to two years out at minimum, and there's a lot of very lengthy time for engineering, to do these controls. And does industry need that guidance, as to what to do so they can move forward?

MR. TERRILL: We haven't heard from any of our sources, that they're going to have to do any retrofitting or anything to meet the existing rule. We have not gotten any feedback from -- that I'm aware of from anyone, that the time line would be an issue, because that would be something that we would bring forward, because it needs to be -- both sides of the issue

needs to be laid out. We haven't heard from anyone, that continuing this would create an issue for them.

MS. WORTHEN: I mean, because if we don't go with the federal rule and we go with some other version where you're having to do a 90 percent reduction, then that means that facilities that maybe --

MR. TERRILL: You mean for existing sources?

MS. WORTHEN: Yeah.

MR. TERRILL: Well, again, I'll be interested in hearing what the public has to say, and what the industry has to say, but I don't know that we're going to come back and make a recommendation to make a reduction 90 percent. That's not something that we've talked about. But it's possible we could, if we get enough sentiment to do that, then we might propose that. But I would think, that if we're doing something that's different from the federal rule, if it's more stringent than the federal rule, then the time lines -- we could probably set our own time lines,

because all the feds ask is if you're going to do something different than what they do, if you're going to be stricter, then you got to show that you're a little stricter and we may be able to set our own time lines at that point.

MS. WORTHEN: Don't the first set of reductions come into play in 2010 using the federal rules?

MR. TERRILL: If we use federal rules.

MS. WORTHEN: So we could maybe go beyond the federal rule for the reduction?

MR. TERRILL: If we were stricter, I would think. I would want our lawyers to take a look at that, but if that was something that the Council chose to do, then I would think we could probably -- maybe get a little bit additional time to do that, because it won't be an easy proposition to do the retrofits for existing facilities.

Again, I think there needs to be an analysis of the cost benefit. And again, I

want to stress that we can't guarantee that we would see any difference in what we're seeing in our monitors or in the water bodies, if we required that.

MS. WORTHEN: Right. I was just trying to see if there was any reason to not just pass the federal rule. If time line -- if we held off, is that going to even more adversely affect them, because to me, the federal rule is set up with time lines and that's what -- industries can start planning, if they're going to have to do anything.

MR. TERRILL: Well, I don't think the federal rule will require them to do anything in Oklahoma anyway. So I don't know that, that's an issue. If there's other folks out there that think differently, we'd like to hear that. I'm not aware that there's any retrofit plans to meet the existing federal rule. Now, if you had someone that's planning a new source, then that might be something that we -- that would be a reason to try to move this along so they would have some idea as

to what's going to be required. If we're going to go beyond what's in the federal rule for a new source to be built and that's really where I think the -- what I would hope we get out of this today is some direction to take a look at possibly going and being stricter than the federal rule, relative to new sources.

MS. WORTHEN: So I guess industry would need a plan -- needs guidance on how to plan for what they're going to have to do?

MR. TERRILL: For a new source?

MS. WORTHEN: Yes.

MR. TERRILL: Well, again, if we're talking about a new source, we're talking about exposure to our citizens, of emissions from that new source, for a number of years and I think we need to be real careful if we're going to allow that, then another three months won't make that much difference.

MR. PURKAPLE: And what have those surrounding states done? Is it federal rule or is it tighter?

MR. TERRILL: I'm just going from memory here. I think Texas passed the rule as is with a few adjustments. I think Arkansas did the same. Missouri, I don't think has passed their rule yet and I don't know that Kansas has either. I don't know that any one of the region six states -- now, New Mexico is definitely doing something quite a bit stricter. They're doing their own rule. But I'm not sure that the states right around us are doing anything much different than the federal rule. But there's a number of states that aren't doing anything, that are just waiting to see what happens, because they believe like I do -- well, the politics comes into it in some cases, but a lot of them believe that the rules going to be sent back anyway.

MR. PURKAPLE: So the possibility of it exist, that if you did something tighter than the federal, and the surrounding states are doing the federal, that we may not realize the benefit from a tighter standard, if everybody else is a

1 looser standard?
2 MR. TERRILL: It's possible. But
3 again, mercury is -- it's just like any
4 other toxic. Well, no, it's not like any
5 other toxic either. I think you can make
6 an argument that cap-and-trade may not make
7 that big a difference, as far as hot spot
8 issues, when we're talking about mercury.
9 But I think that's definitely an argument
10 you would have for other toxics, because so
11 much of it ends up in the global pool, you
12 don't know for sure where it's going to end
13 up. It could end up eventually coming
14 around and coming back to us or it could
15 end up in Africa or wherever. But the fact
16 that we burn a lot of power river coal, the
17 studies I've seen says that the bulk of
18 that ends up in the global pool.
19 Now burning lemack coal, like they
20 do a lot in Texas, that could be a hot spot
21 issue for the area around that facility and
22 also in Oklahoma, hence the McGee Creek
23 site will become a very much interest to us
24 to see if we do have a hot spot issue
25 created.

But this continues to evolve. I mean there's a lot of studies still being done on both sides and I think it's something that we're going to get a lot more information to deal with as the months go on.

MS. BOTCHLET-SMITH: Do we have any further questions from the Council before we move on to the public comment period?

(No verbal response)

MS. BOTCHLET--SMITH: Okay. We've got a whole bunch of these. I just want to remind everybody to state your name before you begin to speak. And of course I'm going to call upon you. And then to come to the podium to speak.

Nadine Barton from CASE.

MS. BARTON: Hello everybody. I'm glad to see that we have such a great turnout, because this is really an important issue, because we all breathe.

My name is Nadine Barton, I'm with CASE, Citizens Action for a Safe Environment/Energy and we were the

1 successful interveners to stop the building
2 of the Black Fox Plant.
3 Well, here we are talking about
4 coal. First of all, I don't have to --
5 there's so much publicity about mercury;
6 where it comes from, you know, what goes up
7 must come down, so it goes into the water
8 bodies and into the soil. Right now we're
9 in an epidemic stage with autism, in the
10 United States, with 1 out of 156 children
11 autistic, and there has been some
12 discussion referring to the fact that this
13 could be due to mercury, and of course a
14 big hot spot has been shots. Well, it
15 maybe shots, it maybe the air, and it maybe
16 the water; we don't know.
17 So it's important for us to look at
18 the issues concerning the Clean Air Act,
19 which, this portion that addresses this, I
20 have to agree with Eddie, should be
21 somewhere else and it doesn't address it
22 enough.
23 I want to just stop there and say
24 that the federal does look at the fact of
25 trading partners. And I sat on the

1 original trading partner task force
2 meeting, that where all this started with
3 Ben Hennekey's (phonetic spelling) group,
4 at least 10 years ago. All it is, is plea
5 bargaining for pollution.
6 Now it concerns me, the fact that if
7 we have lower amounts and we have a trading
8 partner in some other areas of the state,
9 or some other area of the United States,
10 and we're trading their pollution for our
11 clean air, that -- this is not going to
12 benefit us, and that's one of the questions
13 in the present Clean Air Act.
14 Getting back to this, only 65
15 percent reduction, CASE does oppose this --
16 voting on this on the federal Clean Air Act
17 amendment for this, addressing mercury
18 emissions and that trading standard that's
19 in there. And we do support the state
20 territorial air pollution program
21 administrators, and the association of
22 local air pollution control officials
23 modeling program, and what they had
24 suggested for a 90 percent reduction in
25 coal plants. I have to agree with Eddie's

recommendation that we really need to look at our water bodies and the fish population, who are absorbing mercury and other hard metals, to get some kind of modeling data to see where we are high in those levels. For all you fishermen, good luck.

I just want to say that I hope that we do table this, and the other thing is that I don't think we've really had enough public meetings in areas of the state where they have a lot of coal producing plants, that the area emissions is heavy in that area. And looking at the proposed new plants, I realize that a lot of them are gas, which is a heck of a lot better than coal. Being on the ACOG Air Quality Committee, we're just about ready to go over non-attainment and my issue is, the particulate matter is generated from the existing plants, the new plants, what's that going to do for us for mercury in that? And I just want to end up saying thank you Council, I hope that you vote your souls and not your company, because

this is really an important issue.

My other comment would be plant a tree and not a new power line. Thank you.

MS. BOTCHLET-SMITH: I just wanted to remind everyone, I meant to say this while ago, I neglected to mention that all of our comments need to pertain directly to the rule and the section of the rule that we have opened and since we had a break, I meant to remind everyone of that again. So I just wanted to get that out on the record.

The next person, Montelle Clark with Oklahoma Sustainability Network.

MR. CLARK: I am Montelle Clark. Thank you, ladies and gentlemen, for your time and for your hard work and understanding these complex issues that are multifaceted.

COURT REPORTER: Can you pull that mike up a little?

MR. CLARK: Sorry. Is this better? I won't try your patience by repeating my comments that I made in my letter. Obviously, I agree that the

STAAPA/ALAPCO model should be used for the State of Oklahoma.

In looking at this issue I noticed that 16 -- I think the last count I have is 16 states are already suing the EPA for stricter rules than what the CAMR has in it. And a number of other states, I'm not sure how many, but a number of other states already have written stricter rules on their own, eliminating cap-and-trade and requiring a 90 percent reduction.

I think that Oklahoma has an obligation to those other states, to see what they're saying, to see what they're asking for. Whether we have hot spots or a mercury problem in this state or not, those states believe that they do. They feel they have enough signs to be concerned. There's a lot of discussion that mercury -- controlling mercury in the state of Oklahoma isn't going to improve our own environment, or even necessarily improve the environment of other states that believe they do have a problem, because mercury comes from other sources than just

coal-fired plants; it comes from natural sources, it comes from the heavy burning of coal in other countries and places around the globe, especially India and China. They are going to be expanding their burning of coal considerably, in years to come.

To me, it's something that indicates why we need to pass these kind of strict rules because in the future, in global situations, we're going to be asking those countries to restrict their production of mercury, their burning of coal. How can we ask them to do this, when we aren't even doing our very best to control mercury, released into our own environment into the, did you call it, the global pool of mercury.

I think there are three points -- it seems to me, this might just boil down to three points how you decide this rule; there's the cap-and-trade provision into the trading of credits. It just worked well in some of the pollutants apparently, I believe it's the sulphur dioxide or

something that's worked well to control -- to reduce the amount of sulphur dioxide that's gone into the air. But mercury strikes me as a different pollutant, if there's, you know, there's not a good one, but mercury is a neuro-toxin. And trading it -- trading it around the country, I don't know how they decided that, where it falls in the legal realm of the Clean Air Act, et cetera, et cetera, but I just don't think it makes too much sense to be trading in credits for a neuro-toxin around the country.

The second one would be the 90 percent reduction number versus the 70 percent that's called for in the CAMR. In reading about this as much as I could, there's much dispute as to whether 90 percent can be achieved. What it came down to for me is, that some plants are achieving 90 percent reduction, maybe not on this larger scale as we'd like, but they're achieving 90 percent reduction using a variety of different coals and a variety of different technologies. There

seems to be good evidence that's there's more and more new technology coming on the market all the time that might help, each year that goes by, reach those 90 percent levels, or close to it. Yes, there will be some cost incurred, both for existing and for new coal plants, but the numbers that I've seen don't make that cost seem like it's all that high. I realize that some people are going to complain over even small amounts. But I think that an informed public, which often times they are not on these matters, they don't get to hear about this, but I think an informed public, given the option of paying slightly more on their utility bills versus having less mercury in the environment, would be willing to pay a little bit extra, if they knew it would help.

The third point of these rules, is the date for meeting the 90 percent reduction. And that, to me, is an issue left up to the experts. I really can't claim that I have any idea as to how soon the technology can be installed, without

massive disruption in industry, and without incurring huge amounts of expense, because suddenly everybody wants this technology. But I think that the date of 2012, which was put forth in the STAAPA/ALAPCO model seems like a reasonable one, but I think again, the experts should decide that and discuss that, it's only reasonable.

Finally, I would say that reasonable people can disagree about the signs of hot spots, or the feasibility of mercury reduction technology, or the role of mercury in autism. I think a reasonable and prudent person errs on the side of caution. When a policy might cause severe or irreversible harm to the health of the public or to the natural system.

Again, I thank you for your time on this and thank you for taking both comments.

COURT REPORTER: Montelle, do you have something you'd like to leave with me to attach to the record?

MR. CLARK: No, just the letter that I've already submitted.

MS. BOTCHLET-SMITH: Montelle, we're not sure if we have a copy of the letter you submitted. Was that mailed to the Department or did you bring that with you today?

MR. CLARK: It was emailed and it is in one of the packets over there. It's right --

MS. BOTCHLET--SMITH: That's what our court reporter was trying to clarify.

MR. CLARK: Yes, the packet that has on the top of it, the letter from the Autobaun Society, mine is second behind that.

MS. BOTCHLET--SMITH: All right. Thank you very much. Next commenter --

COURT REPORTER: Let everybody know if they have something, that they can leave it with me.

MS. BOTCHLET--SMITH: Let's just get that announcement out there, too. For any of you that had a written comment that has not been mailed in but you brought it with you today, make sure we do get a copy of that so that we can give it to the court

reporter.

The next commenter is Earl Hatley. This is LEAD Agency, is that correct, sir?

MR. HATLEY: Yes. Can you hear me all right? Earl Hatley, I'm the Grand River Keeper for the Grand River Watershed in northeast Oklahoma. This is a project of the LEAD Agency, which is a non-profit environmental group. LEAD is an acronym for Local Environment Action Demanded. Our River Keeper program is in contract with the Water Keeper Alliance, which Robert F. Kennedy Jr. is the founder and president.

We've been working nationwide on this mercury issue, and glad to see the Council is also working on this issue. And I was sad to discover, late in the game, that Oklahoma has now joined the ranks of over 40 states, that has statewide fish consumption warnings because of mercury.

The state of Missouri, back when there were only 19, was among those states. In my watershed, which is the Grand River Watershed, including Neosho Spring River and several others that pour out in

Missouri and Kansas. We have three streams that flow into Grand Lake from Missouri, as well, Kansas has a mercury warning on the stream river, specifically, which also flows into the Grand River. This on top of a watershed that's already polluted by the tri-state mining district, which you all are aware of the Tar Creek Superfund site.

We have a fish consumption warning for lead in fish in the Neosho Spring River already, and DEQ is now studying Grand Lake. Now we have this issue with mercury.

I also, guess I should mention that I'm also on the Hazardous Waste Management Advisory Council for the DEQ as well.

But speaking as a private citizen, one of the things that really concerns me is being out on the water as much as I am, and talking to all the fishermen out on the lake and the streams, and hearing their comments about what they're finding with deformed fish and how their hands won't heal when they get cut or finned when

pulling fish out of the water. When we look at the quality of the water, most of them, their biggest fear in falling out of their boat. I think my concern is, I'm a fisherman, that's what I do, that's what I've always done. I like to fish. My dad took me, when I was a little boy, out to learn how to fish. I have grandchildren --little grandchildren that I want to take out to learn how to fish.

I'm fortunate, I live on 490 acres. We have five stock ponds, and a new two acre pond, and a new seven acre pond that we just built. We're restoring the entire acreage into a wildlife habitat with tall grass prairie. I want to be able to take my grandchildren at least out to the pond, and catch some fish --

MS. BOTCHLET-SMITH: Mr. Hatley --

MR. HATLEY: -- this statewide warning, means that my pond is also damaged. What I am trying to say is, if we continue to allow this mercury to go on to 2020, what state are we going to be in, in

terms of mercury pollution? I see this is taking of my property. And so therefore, I'd like to recommend we do that 90, 95 percent rule that was recommended by the STAAPA. By 2012, the Water Keeper Alliance has been recommending a three year, 90 percent growth for sometime, and then taking that into court. As quickly as possible, I'll gather up the data that we have on that, I'll get that to your committee.

I would like to see that Oklahoma, be one of the states that starts the domino falling, of states that begin to do the right thing about this extreme neuro-toxin. And that we make our state fishable and swimable for future generations, with the actions that we take with volumes like this. Thank you.

MS. BOTCHLET-SMITH: I'm having a little bit of trouble with this next name, I think it might be Weddle.

MR. WEDDLE: Weddle.

MS. BOTCHLET-SMITH: Weddle? I apologize.

MR. WEDDLE: It's all right. My name is Dr. John Weddle, I'm a emergency department physician from Fort Smith, Arkansas area, I live in Sequoyah County. I'd like to thank the Council for the opportunity to speak on behalf of the public and also the health community.

I have concerns with the adoption of the Federal Clean Air Mercury guidelines because, mercury is such a well documented neuro-toxin. The factors that play into the ingestion of fish that has been polluted with mercury, and its introduction into the fetus and fetal/maternal circulation, is a big well documented source of mercury ingestion.

The other thing that has come up, that I'm concerned about is the effects of mercury on cardiac health, both in adults and children. These two issues, the economic impact that's entailed in taking care of people with cardiac disease in this country is already astronomical, it's one of the leading causes of death in the United States.

1 If we are increasing the potential
2 for cardiac disease by allowing more lax
3 mercury emission standards in this country,
4 the economic cost to this country is
5 staggering. And that's not ever really
6 discussed very much. But when we are
7 talking about the increased burdens of
8 caring for the aging population, and then
9 we're adding to that exposure to mercury,
10 which may add to caring for young children,
11 to children with neuro-toxic deformities,
12 to the potential link to autism, to caring
13 for the mothers that passes this mercury
14 through to their babies, we are talking
15 staggering numbers of dollars.
16 When these children are exposed to
17 these neuro-toxic substances, which mercury
18 is well documented to be, they have
19 significant developmental delays. These
20 are long-standing and irreversible damage
21 to the children. We also, as mentioned,
22 speculate that autism is linked to mercury,
23 that's kind of a polarizing issue. I
24 believe it to be true, others would argue
25 that it's not. Regardless of your beliefs,

you have to step back and say we have a unique opportunity to limit the amount of mercury that's emitted into our environment. However it gets there, we have the opportunity to say enough is enough, talk to these coal plants, however they're wanting to filter it, we need to adopt the most stringent guidelines. 70 percent reduction by 2020 is not a stringent guideline. We should have 90 percent reduction by 2012, that's not asking too much. That's what we should adopt.

I would like to close with, as you can tell, rejection of the federal guidelines and adoption of a more stringent state guideline. Thank you for the opportunity.

COURT REPORTER: Could you spell your last name for me?

MR. WEDDLE: W-e-d-d-l-e.

COURT REPORTER: Thank you.

MR. WEDDLE: Thank you.

MS. BOTCHLET-SMITH: Harlan Hentges. I'm sorry, I don't mean to be

mispronouncing names today.

MR. HENTGES: Chairman and Council, thank you for the opportunity to comment on the proposed adoption of the federal CAMR. My name is Harlan Hentges, that's H-e-n-t-g-e-s. I'm a lawyer and I represent the Sequoyah County Clean Air Coalition. Someone commented that there were some unfamiliar faces here today and I would expect that they would be some of those unfamiliar faces, they are not part of industry, nor are they the people who elevate the value of the environment over human interest or even business interest.

I thought about saying they're not environmentalist, I thought about saying they're not environmental activist, but I think the point is they don't elevate the environment over human interest. I think they do recognize however, that humans and business have a great deal of interest in the environment.

They are heavily invested in Sequoyah County. They've invested in the land there, they invested in the land

because of its environment, which is, although we have problems, it's relatively pristine, and it is a good place to raise children, and it is a good place to grow old. They are concerned that it will become a place where it is not good to raise children or grow old. And if there's a place where it's not good to do either of those things, there's not much reason to be there.

They recognize environmental permits for what they are, and that is permission to pollute. The releasing of a thing, whatever it is, onto somebody else's land is a trespass. And in our country we have authorized that trespass with the environmental permits. And they recognize what's going on currently, and that is that coal-burning power plants are being proposed to come to Sequoyah County, near Salisaw and they're going to use a very small amount of land -- land from anywhere can be used -- but they've chosen this land. They're going to use very little labor -- labor from anywhere can be used --

but they're going to use labor here.

So what is it that brings them to want to locate in Sequoyah County, Oklahoma? It would be for permission to pollute. It would be a way to avoid certain cost. You could describe it as the cost of removing the mercury emissions from the smoke, but what it really is, is a way to avoid the cost of paying the damage, that will be done by the people who have been trespassed upon, by placing mercury in their land.

SCCAC -- I refer to the Sequoyah County Clean Air Coalition as SCCAC. It's not -- I think to paraphrase Dick Clark, it has a good beat and it's easy to dance to. It has a good cadence and it's easy to say.

SCCAC has hired me, at great expense -- and again I point out that these are regular folks -- to determine what the legal problems are with the proposed rule and I'd like to mention those today. During the time that this proposed rule has been in DEQ, I've looked at the rulemaking record and I cannot determine what the

impact of this rule will be in Oklahoma. I cannot determine whether it will result in a reduction of the total amount of mercury emissions, or whether it will result in an increase in the amount of mercury emissions.

I was struck by the comment that surrounding states may have less stringent standards, and if we adopt a stringent standard we wouldn't receive the benefit of those businesses locating here. And I'm struck by the fact that Oklahoma has had recent experience in having rules that are not as stringent as their sister states, that has caused an industry to flock to the state. And as a result of that, there was economic activity attached to that business and then when it came time that Oklahoma decided they wanted to regulate that business, the economic impact made it a difficult decision, whether or not to outlaw cock fighting. And the amount of investment in cock fighting would be minuscule, compared to the billions of dollars that would be spent to build

coal-burning power plants in Oklahoma. And at this time, when there is a rush to build coal-burning power plants, if they were built here it would take generations to -- for the plants themselves to go away and it would take hundreds of years for the mercury to go away.

In addition to not knowing what the impact of the rule is, I haven't determined from the administrative record what the intent of the rule is. I don't know whether it is to incentivize coal-burning power plants to locate in Oklahoma. I don't know whether it is to reduce the amount of mercury that's emitted in Oklahoma. The statements that I've heard here today about what we don't know indicates that the reasons that it is not in the administrative record is because we simply don't have that information.

Finally, what I don't see in the administrative record is the circumstances that have prompted the need for this rule. Is it a rule that is proposed because it wants to protect the health and the

property of Oklahomans or is it a rule that is an economic development rule that is designed to subsidize the burning of coal -- the burning of Wyoming coal in Oklahoma in order to provide electricity to Texas and California?

If the impact of the rule is to increase mercury emissions, and if the intent of the rule is to increase mercury emissions, and if the circumstances that gives rise to this is to incentivize the building for coal burning power plants, I think that the Oklahoma Department of Environmental Quality would be acting outside of its statutory authority if it were to adopt such a rule.

So I think that the most that can be said for the rule and for this rulemaking process thus far, is that ODEQ does not know -- does not have the information in its administrative record of what this rule will do, and there is a -- or the worst case scenario is that it is, in fact, doing something that is contrary to it's statutory authority.

Finally, I would like to point out a procedural problem with the rulemaking process and that is the content of a notice that has been published. I've submitted written comments today and I quoted the notice that was published in March for this meeting and in reading that notice it is impossible to know the nature of this rule. It says it will adopt a federal rule by reference and -- that's the summary of the rule, it's supposed to be in plain language and explain the nature of it. If you go to the DEQ website and dig through about five website pages and find the actual copy of the text of rule that's being proposed, you find another reference to a federal rule, you still don't know what the nature of it is. And finally there is no where in the notice where it actually says the impact, the intent, or the purpose for this rule. And it has been a obstacle for public comment and I think the ODEQ in this rulemaking has experienced that, because for six months there was no public comment opposed to adoption of federal CAMR. What

happened was a member of SCCAC, after some diligent research, found the rule about a week and a half prior to the January meeting. And by making a few phone calls, an excess of 20 comments came into DEQ being strongly opposed to this rule. I think if the DEQ would explain the impact, the intent, and the circumstances that gave rise to this rule, it would have much more public opposition to this rule.

In closing I would like to ask not that this rule be tabled, because the people who are here today are burdened to come here today. It is not their job. They are not paid by anyone to be here. They are here protecting their own investments. They do, however, pay me to be here and it's quite expensive. We don't want to have to come back again to guard against this rule, whenever it is clear now that this rule should be rejected. And we would ask that the Council reject this rule and instruct staff to begin with a rule based on the STAAPA/ALAPCO model rule and it's my understanding that members of your

staff drafted that rule in the first place.

And I've prepared a model rule for Oklahoma based on -- or a rule for Oklahoma based on that rule. So I don't think that action would set back your process a great deal.

Again, thank you for your time, thank you for your diligent work.

MS. BOTCHLET-SMITH: Steve Dobbs.

MR. DOBBS: I guess it's still good morning. My name is Steve Dobbs, thank you again for allowing us to speak.

My educational background is actually in horticulture, and as a result I have a special appreciation for our states' natural beauty. As a matter of fact, my wife and I have two small children and we've chose to raise our kids in one of Oklahoma's rural scenic areas. And as a parent of small children I'm concerned about a very serious issue that I think is in your hands.

I'm also one of over 1,000 members of the Sequoyah County Clean Air Coalition

and after hearing Harlan, I feel like I might should ask you how costly are you after this. But our group is local residents that's concerned about our environment and our health, and we just want to help protect that. Our group is opposed to any additional coal-burning power plants being built in Oklahoma, period. And of course we're dealing with that locally with one outside of Sallisaw that's being proposed. And there's many reasons, obviously. One of which today we're talking about mercury.

The EPA ruling that you're proposing to incorporate by reference, in our opinion, is not acceptable for the protection of our children or our natural resources. We all know the connection between the coal-burning power plants and mercury. It's interesting that EPA was on track, initially to regulate the plants to reduce 90 percent of the mercury emissions by 2008. And as you know that was set back and laxed.

And one of the best comments I've

seen on that is from Ms. Susan Marmagas, who's the director of the Environmental and Health Program at Physicians for Social Responsibility. And she says frankly, EPA has missed a significant opportunity to protect children's health and made a decision to ignore this science that is clearly on the table. And we're asking you, to do more homework as well and learn what that science is.

It's also interesting that the parent organization, Oklahoma Department of Environmental Quality and their education publication, land and water and mercury states that coal-fired power plants are a major source of mercury pollution. Reducing demand for electric power means less mercury is emitted into the environment from power plants, and then the publication goes on to tell us how we can use certain kinds of light bulbs and different things to reduce energy demands. Well, frankly, here's an opportunity to reduce mercury from the primary source.

We have heard today and learned that

ODEQ has two mercury monitoring sites and more in the works, but the Cherokee Nation and the Intertribal Environmental Council partnership has been monitoring mercury for sometime, as was alluded to earlier. Just last week we had those individuals come to our coalition meeting and we've learned, at that meeting, that mercury levels in northeastern Oklahoma were among the highest in the nation according to their records. And I ask you to please contact them and consider what they already have at their hands.

It's apparent to me that EPA and ODEQ attributes mercury pollution to coal-burning power plants, and state readings are already increasing, why not impose stricter guidelines on the coal-burning industry and in our opinion, again, we are asking that you reject the proposed rule that is on the table and adopt the stricter STAAPA/ALAPCO. Thank you for your time.

MS. BOTCHLET--SMITH: Tom Lucas.

MR. LUCAS: Good morning. I'm

Tom Lucas. Mr. Chairman, Council Members, ladies and gentlemen. I'm concerned with mercury pollution from all coal-fired gas plants. I believe mercury is live nuclear waste. It will be around for a long time and it has harmful effects on all living things. For this reason, I'd like to see all coal-fired plants be required to remove at least 90 percent of mercury from their emissions. Thank you.

MS. BOTCHLET--SMITH: Darryl Phillips.

MR. PHILLIPS: Good morning. My name is Darryl Phillips. I want to thank the Council for giving me the opportunity to speak and I will be brief. I'm speaking -- although I'm a member of some of the groups, I'm speaking as a citizen, representing just my wife and myself. We have, between the two of us, we have 15 grandkids, we have six great grandkids and as time goes on, I assume there will be more.

The lax CAMR regulations we feel are insufficient to protect the health of the

1 future generations, not only our kids, but
2 of course, your kids, great grandkids.
3 The health, of course, others have already
4 spoken to this point, involves not only
5 autism, which has -- while it's hard to
6 have an absolute scientific proof between
7 cause and effect on something like this,
8 but there is a fair amount of evidence that
9 supports the fact that increased mercury
10 levels goes hand in hand with increased
11 autism levels. Autism, of course, is
12 heartbreaking for the family, but it's also
13 very expensive for government agencies.
14 It's estimated that the special education
15 that is required for one autistic child,
16 can reach numbers around $300,000 a piece.
17 And this is borne by local school
18 districts. So there is a place where we
19 have to look at a off-setting cost from
20 what the regulatory or mercury reducing
21 cost might be.
22 The second point I'd like to make is
23 that with the 16 states that are presently
24 in litigation against EPA and with the
25 other states that have adopted or are in

the process of adopting stringent regulations, this makes Oklahoma a potential dumping ground. The companies will be able to come here if the regulations here are lax, as is the case with CAMR.

In order for Oklahoma, just to maintain the status quo, we have to adopt more stringent regulations. One thing that the research that I've done differs from some of what we've heard here today, involves the mercury deposition. Mercury, as you know, is a very heavy element. And elemental mercury is what is -- what we're talking about being reduced. There is a fair amount of data that shows that a great deal of the mercury falls within 30 miles of the source and therefore, it can be a very hot spot situation. Now this gets all the worse, if there is cap-and-trade, because we can end up with greater amounts of mercury, that are traded from other areas into Oklahoma. So that's one of the areas where the CAMR is an insufficient regulation.

We know that the whole situation regarding mercury is in a very fluid state. As has been mentioned, there are a number of studies going on both by proponents and opponents. There are government studies going on. I believe at this point in time to adopt the CAMR regulation by reference, is to do a great disservice to the citizens of Oklahoma.

My wife and I are retired, we're on social security. We watch our pennies very closely. And even so, we would be willing to pay more for our electricity if it helps the generations in the future to avoid the damage that mercury can cause.

I thank you very much for the time.

MS. BOTCHLET-SMITH: John Kennington.

MR. KENNINGTON: Thank you. I'm John Kennington with the Oklahoma Autobaun Council and we have over 3,000 Autobaun Members in Oklahoma, and I'm just representing them today.

And we just want to -- and I'm not going to repeat everything that everybody

else has said, we support all that. But we ask you not to table it and you adopt more stringent rules on mercury emissions. We feel adopting the EPA rules are not -- they're really based on faulty science and I don't think we want to go down that road.

We understand that we need more coal plants, they're going to be built, demand for electricity, but we just need to make sure that our coal plants utilize the latest technologies that will minimize their impact on the environment and the health of Oklahomans. As more states adopt more restrictive Mercury Rules, those states with less restrictive rules really become targets for less expensive plants that don't have the latest, albeit more expensive, equipment that minimizes mercury emissions. So I think it's imperative that we adopt rules that protect all of us and keep us -- really, we should try to be at the forefront of having the cleanest possible energy, rather than becoming the preferred location for a dirty energy.

I've already submitted written

comments, I'll just leave that with you.
Thank you.
MS. BOTCHLET-SMITH: Do we have a copy of those written comments?
MR. KENNINGTON: Yes, you do. They're on the -- you've already gotten them.
MS. BOTCHLET-SMITH: Okay. Just checking. Thank you.
Martha Gregory.
MS. GREGORY: My name is Martha Gregory and I represent the Sierra Club, Oklahoma Chapter. And you do have copies of our comments available to you in the reading packets.
I'm not going to repeat the points that have been made, other than to say that according to research that Sierra Club has done, the CAMR rule would allow three times more mercury pollution than the current Clean Air Act. The rule was passed -- already had actions of the general accounting office and the EPA Inspector General. It is too lenient and we are -- we support a more stringent standard of 90

percent. Thank you.

MS. BOTCHLET-SMITH: Seneca Scott.

MR. SCOTT: Good morning, Air Quality Council. My name is Seneca Scott, I'm Chairman of the Oklahoma Sustainability Network Board of Directors. Just take a moment here to gather my thoughts. I appreciate you all having this public hearing today. Appreciate all you all for sticking around this morning, but everybody has some tedious material to be covering.

The Oklahoma Sustainability Network is a grassroots, all volunteer organization. We've been around for about five and a half -- six years and have focused primarily on education efforts, connecting, educating people through all the different aspects of sustainability.

The mercury emission issue here that's in front of us today, was a first time for us as a board to get involved in anything in the regulatory arena. And it came with a considerable, great deal of discussion, caution, thought out positions.

We looked at the science on both sides. Pretty objective material from national journals, nurses associations, doctors associations, and in the end we've decided that it was something we wanted to get involved with. And we took an action as a Board to take a position and oppose the Clean Air Mercury Emission Rules as are in front of you today and advocate instead for the STAAPA/ALAPCO model for 90 percent reduction by 2012 versus the 70 percent reductions by 2020.

And in keeping with the way we work, we met with industry representatives, APPSO and OG&E, to get a perspective from the other side as to some of the things that prevent them from implementing these technologies or just why the science might be a little bit different. And overall, I think we all seem to agree that mercury is an issue, we want to address it, perhaps there's a little bit of difference in the terms of the time frame and the science maybe or the science of the politics, the politics of the science. And I think those

are a couple of things I just want to mention here real quick that, number one, from an environmental angle, if the technology is available, we would advocate for the 90 percent reductions. Number two, from a health angle, no cap-and-trade, because of the neuro-toxin issue and the association with autism, and for me all the things we looked at from sustainability now covers everything from green building to organic farming to -- the list goes on.

For me, the one thing that really got my attention is my wife is due with our second child May 9th and I started looking at the material about how it impacts the fetus and the fact that pregnant women and children are susceptible to mercury emissions, and the neuro-toxins associated and it really got my attention. I thought, okay, well here's one of those things where it comes home to roost. And I think that as an organization, we are really hopeful that you all err on the side of our health and the environment.

And lastly, you look at Tulsa and

Oklahoma City and the state of Oklahoma and our efforts to try to compete in economic development, and all the strategist are coming in saying that the great thing to do right now is attract and retain the young professionals. I consider myself a part of that demographic, where you have a lot of options now, of other communities to move to and live in, -- Portland, Austin, San Francisco, Boston, et cetera, et cetera, are moving in a direction of advocating for clean energy, and communities that have embraced walkability, and embraced general healthier lifestyles. And I think that the passage of the 70 percent Mercury Rule sends us, and sends a message that we're going in the opposite direction of those trends and rather we're opening ourselves up, as a gentlemen said earlier, to be a dumping ground for dirty coal plants with high emissions of a neuro-toxin. And I think it's the wrong direction, we want to go for sustainable economic development. And I just want to close with those comments and

thank you for the opportunity to speak.

MS. BOTCHLET--SMITH: Bud Ground.

MR. GROUND: Thank you. Mr. Chairman and the Council, I'm Bud Ground of Public Service Company of Oklahoma. We actually have a utility person that's going to get up and speak. I'd like to say we are utility people; I'm actually getting up here and speaking for about eight different people that are in the audience right now. We have -- we represent the coal-fired power plants in the state of Oklahoma, there's just a limited number, and we supply power to approximately, well, I would say the entire State of Oklahoma. I say, as a utility, we live where you live. We live in your community, we have children, we have grand children, we go to your church, we're everywhere. We live in the same environment. And so we want, basically, the same things of what you've been asking for. We're looking at the science behind what's going on and what we really hope today is to bring you -- and cut through, show you some of the science

and we have asked as a collective, instead of all of us getting up and speaking about the issues and not being an expert on the issues, we've asked Dr. Leonard Levin to come in a and speak. And he's from every -- actually, someone took his bio, it was sitting up here. But he is going to give a presentation today on the science of mercury in the environment and the health effects. And doctor, if you could come and speak and I'm going to get this going and he can give you his credentials since they're not sitting right here, where I left them.

MS. BOTCHLET--SMITH: Okay. This is for clarification. I have some additional oral comments for others claiming to be from utilities, are you saying they are not wishing to speak?

MR. GROUND: Yes, ma'am.

MS. BOTCHLET--SMITH: Can I just get that on record that these people are withdrawing.

MR. GROUND: Yes, ma'am.

MS. BOTCHLET--SMITH: Gerald

Butcher.

MR. BUTCHER: Yeah, I'm withdrawing (inaudible).

MS. BOTCHLET-SMITH: Perry Friedrich.

MR. FRIEDRICH: Yes, I'm withdrawing.

MS. BOTCHLET-SMITH: Summer Goebel.

MS. GOEBEL: That's correct.

MS. BOTCHLET--SMITH: Julia Bevers.

MS. BEVERS: Yes.

MS. BOTCHLET--SMITH: Melody Martin.

MS. MARTIN: Yes.

MS. BOTCHLET--SMITH: Laura Herron.

MS. HERRON: Yes.

MS. BOTCHLET--SMITH: Sharon Shelby.

MS. SHELBY: That's correct.

MS. BOTCHLET--SMITH: Okay. And then that leaves Mr. Levin; is that correct?

DR. LEVIN: Okay. Thank you. I'm Dr. Leonard Levin, I'm with Electric Power Research Institute. We have offices in Tennessee, North Carolina, and California, which is where I'm based.

Mercury is, to begin with, a chemical element that's shown in the first cartoon. For that reason, yes like -- well, in fact, worse than nuclear waste, it's never going to go away because it's a chemical element and nuclear waste will decay over time, mercury will remain mercury forever. The issue is where it is in the environment and how humans are exposed to it.

Mercury occurs in the atmosphere from emission sources in two primary forms; the divalent form, which is more chemically reactive, shown in the middle picture as the mineral cinibar, which is it's most common occurrence geologically, but it will also occur in the atmosphere as mercuric chloride and other forms. And the bottom is elemental mercury, the liquid metal that many of you are probably familiar with from

high school chemistry labs.

In understanding how to manage mercury's emissions and its human exposure and potential risk of those, it's important to understand how mercury behaves in the environment.

There are -- you can think of mercury as two primary classes; the inorganic forms and the many organic forms of mercury. The forms that are emitted to the atmosphere by power plants and any other sources of emissions to the atmosphere are in every case the inorganic forms of mercury.

The elemental mercury, which in large amounts is liquid metal at room temperature and divalent, which usually occurs combined with halogens, like chlorine.

There is a third form that occurs in very small traces in emissions, particle bound mercury. That is divalent bound to particles, it's not -- there is no occurrence known of droplets of mercury at sea level. So this is really the divalent

form bound to other parts.

The mercury to which we're primarily exposed is the organic form, that is not emitted, as far as known, by any sources of combustion or any other sources to the atmosphere. It forms primarily in aquatic systems. There may be other ways in which it forms as well, that haven't been fully documented yet, but its primary occurrence is through the action of sulphate producing bacteria in aquatic systems, transforming divalent mercury into the organic monomethylmercury form.

There are other organic forms as well. A few of them may occur naturally, such as dimethylmercury that's very highly toxic. It has been measured as occurring in landfills, for example, measurements in Florida. There's some reports of it in marine mammals, but it is very, very slight occurrences, well distributed in the atmosphere.

And then there's the form of ethylmercury called Thimerosal, which has been in some vaccines. The only reason

1 Thimerosal and (inaudible) mercury was in
2 vaccines was because these vaccines were
3 used for multiple doses of shots to
4 children, and Mercury Thimerosal, the
5 ethylmercury form, was added to the
6 vaccines as a preservative because of the
7 multiple uses of those vaccine containers.
8 The main exposure route is through
9 fish. The reason is because the
10 concentrations of mercury in the
11 atmosphere, even fairly close to sources,
12 is far below toxic levels for mercury
13 inhalation. There have been no instances
14 found in the United States, other than in
15 enclosed spaces, through accidental spills
16 or purposeful spills of elemental mercury
17 liquid, of any exposure levels of
18 concentrations, that is in the atmosphere
19 above about two or three percent of the
20 toxic occurrence level in the atmosphere.
21 So -- and essentially all of the
22 attention is being paid to community
23 exposure through the food chain and the
24 reason is because fish and ecosystems --
25 aquatic ecosystems, in general can

1 concentrate the mercury to the levels that
2 are literally millions of times greater
3 concentrations than mercury occurrence in
4 the surrounding waters in which the fish
5 live. And when the fish may be eaten by
6 humans, that is the potential exposure
7 route.
8 As far as is known, in the United
9 States -- at the exposure levels in the
10 United States, there's no health effect
11 that's likely to adults including child
12 bearing women, it's the health effects of
13 the developing fetus and the developing
14 child that are thought to be the most
15 sensitive endpoint, most sensitive dosage
16 level. For that reason, because that's
17 been -- so far has been established by all
18 the studies, but that is the lowest
19 concentration and the lowest dose level of
20 which in effect might take place. The
21 adult effects that have been talked about
22 today, such as cardiovascular effects in
23 adults, although they may be present, do
24 not appear to be a more critical or lower
25 point in the threshold spectrum. So most

of the attention has been paid to and most of the threshold values for fish advisories, for example, are set by the effects on developing fetuses. And we see, as an example, of the lack of effect on the bearing mothers, the best example is probably the tragic poisoning in Minamata, Japan, that was at levels 10,000 times as high as any concentrations in the United States and produced, in some cases death, and in many other cases paralysis and other sever effects in the children that were born while the mother's remained completely normal in terms of their health. And there is good documentation on this. So the sense of that point is the developing fetus. And the mother is chosen for the protective level because she is the route of exposure for fish consumption.

Okay. Basic understandings. The two forms of mercury deposition play an important role in considering mercury management. The two forms are wet deposition and dry deposition. Wet deposition is the only one that we can

measure and that's the one for which we have the data, including stations now in Oklahoma and the others that are in the national network. That's done by basically collecting rainfall, keeping it tightly enclosed so that there's no evaporation of either the mercury or the water in there and sending it to a standard lab for analysis.

The mercury that's in the rainfall, is the dissolved form of divalent mercury, which is about a million times as soluble in water as mercury zero or elemental mercury. And this is an important consideration when you consider mercury management, because the two forms of mercury, divalent and elemental, behave very differently in the environment.

Dry deposition is not yet able to be measured, it can only be modeled, and it's a combination of various things including particle settling and gas transferring and so on. It's an important constituent of the mercury coming down, we think, but we don't have any observations yet.

Okay. There are many sources of mercury in the atmosphere. This is cartoon I developed just to sort of divide them up into two somewhat arbitrary classes, the anthropogenic or human emissions that are currently going on and the many background sources of mercury. And it's important to remember that the background sources can be divided into two broad classes, which are natural emissions of new mercury that has not been out in the human environment before, and that's primarily from volcanic emissions, subsea emissions from crustal movements or deposits that are exposed to the atmosphere over a long period of time, natural deposits. And then the second broad class is legacy emissions, which are an important source in many areas of the west. These are mine tailings, the re-emission of deposited mercury is potentially a large source, but it's still not known how important that is.

And then the two broad anthropogenic classes I've listed here, which are point sources such as smelters and power plants

and an important source as area sources is motor vehicle traffic, which appears to put out quite a bit of mercury in gross, not at a rate for an individual car, but because of the large number of vehicles in the world and particularly the United States, this is a significant source.

Globally there are about 2,500 tons of mercury emitted each year through human emissions to the atmosphere. The United States total is about 140 -- now there are different numbers -- different people will get different numbers depending on how they analyze the data, depending on which year they're talking about, how they classified the sources and so on, but these are round numbers, roughly, of what you get.

The important point about global emissions is that Asia emissions, particularly China, make up half of the global emissions. The other important point is that the entire world with the exception of North America and Europe are increasing their rate of mercury emissions drastically. And this has been

demonstrated, proven, by data taken in remote ocean areas and it's important to keep this in mind; all of the data we have on mercury in the past in North America, in the United States and globally, all of the data from the glacial cores, from tree rings, from lake bottom sediments, from around the world, show that there is about 80 percent less, I repeat less mercury in the human environment now than there was in the mid 20th century because primarily of the much lower use of mercury directly in industrial products, such as switches, paints as preservatives, and other things that where it eventually would wind up in waste streams and get out to the atmosphere. And all of the data, all of the data have demonstrated this repeatedly.

The most recent data from mid-pacific ocean show that this decline that's gone on for roughly 50 years or so has appeared to level off in the last 10 or 15 years, as, we think, these other countries start to grow in their emissions. China was growing it's emissions of mercury

by eight percent per year in the mid 90's. It's now down to about five or six percent. I mean that's a doubling, roughly, ever seven or eight years. It's an enormous source.

In the United States -- this shows the cartoon on the right, that power plants make up -- these numbers are in tons and power plants make up currently about a third of U.S. sources. These are as up-to-date as we can make them. These are for 2004 data. It's important to remember as well, when we think about power plants that they're the ones that are currently being looked at for regulation but they are still only a third of the sources within the United States.

Okay. This is a graph from Mark Cohen at the National Oceanic and Atmospheric Administration where he basically plotted the data on a (inaudible). This is for the year 2000. Some of the non-utility sources have declined since then, but it basically plots out in both size and type the different

sources of mercury in the United States and southern Canada. And as you'd expect there are more sources as you move into the industrial areas of the Mississippi valley and eastward basically. And you can see -- Oklahoma, you can see both power plants and non-power plant sources plotted there.

Okay. This is a graph that I produced from data, from 2000, so it's not totally current but it's probably fairly good of the power plant sources in Oklahoma. This is in pounds per year of total mercury emitted. And I've divided it for each power plant into the blue, divalent form and the red, elemental form, arbitrary colors. And as you can see, that every power plant here perhaps with the exception of the smallest one on the left has half or more of its emissions in the elemental form, the form that's less soluble in water basically. But what's this thing with water solubility? That's because we're certain, based on both data and modeling that the divalent form, which dissolves in water, is more easily removed

from the atmosphere. More easily means more readily, means more quickly, means closer to the source.

And this is a plot, again, from my buddy Mark Cohen at NOAA, where he plotted -- this was an actual power plant he was using, it was one in southern Indiana, and he was using actual data for the year 1996 to plot it, but it's a fairly typical layout of the amount of emissions that are deposited at different distances downwind from a given source, in this case a power plant. And this was a sort of a typical 500 megawatt power plant, 250 meters stack and so -- sorry, 250 foot stack. The main point here is that the divalent comes out faster. In other words, if you look at this curve to get to the 75 percent of the divalent form deposits to the ground, you can draw a line down vertically and it tells you that you have to go out 1,200 miles to have three quarters of the divalent mercury deposited, no matter how much is emitted, if it's a pound or a ton or whatever, three quarters of that amount

will touch the ground and presumably stay there but it takes 1,200 miles for it to do so.

The vertical line, sort of the dash one that I've drawn there, is the 50 percent line. In other words half of the divalent touches the ground and deposits, but it takes something like 250 miles for that to happen. So if someone states that most of the mercury from a power plant lands near the power plant, that's wrong. It's not correct, it's incorrect, it's in error, it's not true. Okay? It simply can't be supported. There is a higher concentration near the power plant, as shown in the upper right. That shows the pattern of ground level concentrations, but these numbers of concentrations are about one ten thousandth of the concentration in the plume. So they are very small numbers.

This is again, a demonstration that mercury in a plume from a power plant or any other source behaves exactly the same as any other neutrally buoyant that is floating toxic, rather it is lightweight

helium, medium weight CO2, or relatively heavy mercury, they're dispersed and they act individually as molecules or atoms that are being tossed around turbulently in these plumes and mixing into the atmosphere. They don't settle by the weight of the atom itself for many, many thousands of kilometers, that plays no role in the deposition of mercury.

Elemental mercury will only deposit through dry deposition because it doesn't dissolve in water and therefore rainfall doesn't do anything to it, and elemental mercury you have to go out literally tens of thousands of miles for any substantial amount of it to deposit to the ground. And this model takes into account the chemistry, the fact that in the atmosphere some of the divalent becomes elemental and vise-versa. So Mark has tried to account for all of the dynamics that occurs chemically and physically.

We can use the models to actually model how much of the mercury in the United States, starts in the United States and how

much comes from over seas. And this is the (inaudible) result at a 20 kilometer resolution that shows -- on this scale red is more coming from outside the United States, percentage wise, and blue is more coming from within the United States, percentage wise. And no big surprise since there is more rainfall as you move from west to east, since there are more sources as you move within the United States, as you move from west to east. You tend to see more mercury starting from within the U.S., falling within the U.S. as you move from west to east as well. But for about two thirds or so of the country, you can say that 60 percent or more of the mercury starts out someplace else. This model accounts for the mercury that goes around the world two or three times from the United States including Oklahoma and comes down. We tagged the mercury source so we can follow it for however long it takes for it to deposit out. And it's important to keep in mind it's very hard to plot multiple data points on the same graph, but

1 when you see a high number fraction in the
2 west, like 95 percent in red, it's a high
3 fraction of a small number.
4 MR. LEVIN: -- sources upwind and
5 the lower rainfall generated in the west.
6 So you have to keep that in mind as well.
7 And so what that means is back to the east
8 where you see more blue and green colors,
9 this means that a higher fraction is coming
10 from U.S. sources but it's also a higher
11 fraction of a bigger number. So you can
12 picture these as peaks and valleys and the
13 peaks are bigger in the east than in the
14 west, in general.
15 If you look at Oklahoma you will see
16 that most of the mercury throughout
17 Oklahoma, throughout the entire state in
18 this rendering comes from outside of
19 Oklahoma. Now -- so what. The point is
20 that this gives you some indication of a
21 floor or a bottom to how much management
22 you can do of mercury, anywhere in the
23 United States by controlling just U.S.
24 sources, no matter what those sources are.
25 Well, this is all modeled so far.

We'd like some data -- there are some data that have been accumulated over the last ten years or so. Aircraft and ground measurements on the Pacific rim that have measured mercury leaving China as plumes, have measured how wide and high those plumes are, and then tracked it into the United States across the west coast and in fact, in the observatory at Mt. Bachelor, Oregon, which is 9,000 feet or so above sea level, is continuing to track those plumes that happen to hit it. And these two experiments that we're talking about here wind up with estimates of around 700 tons,, not pounds, but tons a year of mercury moving from China across the Pacific to the U.S., not all of that of course will deposit within the U.S., but much of it will. And it doesn't all necessarily start in China, that's just where we picked up the beginning of it, some of it may begin even further east, coming around the world, some of it may start in eastern Europe.

All of this goes back to the models. Now let's try to model what the deposition

1 looks like today, or in this case 2004.
2 This is the general pattern you see. And
3 this model has been tested against the
4 data. Don't forget, the only data we have
5 -- or wet deposition data from scattered
6 stations. So we've used part of the model
7 that gives us wet deposition numbers.
8 What I'm showing you here is total
9 deposition, wet clusteride of all forms of
10 mercury; divalent, elemental, particulate,
11 everything. And the graph is -- small is
12 reddish, and medium is yellowish, and big
13 is blueish and purple. And -- except in
14 the west where it is small. The units that
15 we have to use to make the numbers
16 reasonable are micrographs per square meter
17 per year, that's kind of a hard number to
18 get your arms around. But that's
19 (inaudible) an ounce of mercury or an ounce
20 of anything over ten square miles. So if
21 someone says something is five micrograms
22 per square meter per year, that's roughly
23 five ounces over ten square miles.
24 UNIDENTIFIED MALE: Dr. Levin, is it --
25 MR. LEVIN: I am moving.

This is -- our modeling included economic cross modeling of controls in emissions and this shows what the federal rule, which I'm calling CAIR CAMR here, CAIR is the Clean Air Interstate Rule and Oklahoma is not subject to that. That's a rule to control PM, SO2, NO2 and so on, and that would give us some co-benefits, because some of those controls will also capture some form of mercury, such as divalent, primarily divalent. And then CAMR, the Clean Air Mercury Rule is the main one, and that includes further controls on mercury to get the targeted level down to 15 tons a year by 2018. Of those 15 tons, 10 of them are assumed to be or turn out to be through the modeling elemental and five divalent.

Now this graph shows then reaching that in 2020. Why is that? Because our modeling includes trading. And every bit of evidence we have, both (inaudible) from utilities and from the modeling itself shows that trading will be, in essence, complete two years after the 2018 target,

in 2020. What do I mean complete? Actual trading that is exchanging of credits between one utility and another will cease -- more or less cease at that point and new credits, as they are generated by utilities over controlling their assigned targets, primarily in the east, will be used for banking. Why is that? Future growth. Future growth is limited by the new source performance standards in mercury, which is 0.6 pounds per trillion BTU. It's about in the order of one tenth to one twentieth of what some of the current emission rates are. And those new sources have to come out of the allocation that each utility is given by the state under the federal rule. So to get new sources growing in a given state the utilities operating there have to get credits from somewhere, and they either have to take them from existing plants or have banked credits from over controlling those existing plants. And we think that banking will take precedence over trading in that rule after about two years.

We then use this model to model what

is going to happen into the future from -- 2004 is the starting point. And that's shown in these three cartoons; 2020 under the EPA rules in the lower left.

And then we did a what if. What happens if you zero out, no utility mercury emissions whatsoever, just make them all zero, but leave all the other sources the same? So all the other U.S. and local sources are, as we knew them, in 2004 because we didn't want to get into too much economic projection in the future. So we basically turned off U.S. utilities and that's in the lower right. It's a little hard to see so I've blown up the area of Oklahoma a little bit to show you and what we find is that there is relatively a large drop in deposition between 2004 and full compliance with the federal rule. Any state who thinks about a stricter limit, will fall someplace between the federal rule, because they want to be stricter and zeroing out utilities because they want to move from, say 70 to 90 percent.

Now those are national numbers, of

course, the 70 percent number. Some utilities even under the federal rule are actually cutting by 90 percent or more. So you have to be a little careful when you say it's only 70 percent. It ain't, because it has state (inaudible). But the point is you're not going to do any better no matter what you do in the United States than the right-hand graph. This is deposition, okay? And that deposition is how mercury gets into fish and into humans. So you're worried about deposition, because that's what you can control. But it turns out you can't control it very much just by doing stuff in the United States, just to utilities.

So there's still some deposition showing in these yellowish colors. That's up to, oh, eyeballing at 25 or so micrograms. How much is that? On the left side of each graph is this purple area, dark purple, which is about 10 micrograms per square meter figure. This is -- don't forget total deposition, wet plus dry. How much is 10 micrograms per square meter per

1 year? The data that we have from these --
2 again these palential logical sources,
3 within the United States and Canada, show
4 that deposition of mercury in North
5 America, prior to the arrival of the
6 Europeans, during the time Native
7 Americans, only, in the United States was
8 in the range of 5 to 10 micrograms per
9 square meter per year. Natural sources --
10 there was some human activity. For
11 example, a lot of Native American tribes
12 would do forest fires to clear land, or to
13 herd buffalo, or whatever, forest fires
14 will emit quite a bit of mercury in some
15 cases, depending on how much mercury is in
16 the soil that's underneath.
17 So we have here showing in Oklahoma
18 a range of deposition that goes from what's
19 really a pre-industrial situation,
20 primarily in the west, to something that's
21 about twice the pre-industrial in the east.
22 So it's a big range since it goes from zero
23 to 25, but it's a small range since it only
24 goes to about twice pre-industrial, which
25 isn't that big. And EPA is getting the

same sort of numbers.

This shows EPA's cartoon. If you add up all the mercury depositing across all the United States you get 144 tons per year. EPA calculates that about 11 tons of that is from U.S. utilities. And that's shown blown up on the right.

Well, utilities emit 45 or 46 tons per year. Where is the other 35 tons going? And the answer is it's primarily elemental and it goes literally into the global background. It may deposit elsewhere, it may stay in the atmosphere for many years, but very little of it comes down in the United States beyond this 11 tons or so currently. And after the EPA cuts are in put in place, there calculations are that the utility fraction will be down to 3.4 tons. Of course the total will drop as well by about eight tons just based on U.S. utility controls.

So there is again, from this, a floor in terms of how low you can go, there's a floor in how low you can go nationally, by controlling just a U.S.

1 source. Of any sort, of all U.S. sources
2 because so much of it comes from outside.
3 Okay. This is the cycling of
4 mercury in the environment. This is really
5 where the rubber meets the road, because
6 this is how it gets into fish and into this
7 guy or woman fishing over on the right, and
8 presumably into a potentially child-bearing
9 woman at some point, which is the point of
10 concern.
11 We have data. The Center for
12 Disease Control working with EPA and others
13 has been collecting blood samples from
14 women, as well as children and men, for
15 almost 10 years now in what's called the
16 NHANES Survey, National Health and
17 Nutrition Examination Survey. They go
18 around the country in a set of vans and
19 take random samples, we're told, of women.
20 This shows the results just for women of
21 child-bearing age because they're the only
22 ones that are tested for mercury, with the
23 exception of now they're including children
24 being tested for mercury as well. And what
25 it shows strikingly, surprisingly, and

still unexplained, is that over this six year period or three-biennium of data, the exposure of women, of child-bearing age, has dropped by about two thirds. This is a real verified drop from the data. And that means, as shown on the bottom line, that the average is not seven percent above the health threshold, but more like four percent.

Now we don't know -- we haven't gotten the data yet for 2005 and 2006, we're still waiting for it. We don't know if that's going to continue. EPA, the Center for Disease Control, we have quizzed them many times, like what's going on here, and their answer is one, we don't know and two, we don't have the time to find out. But the data are clear, U.S. exposure to mercury is measured in the most sensitive receptors, the mothers of child-bearing age -- the women of child-bearing age, is dropping over time from data. Fish consumption is increasing with time based on a survey of these same subjects. They're asked how much fish and what type

they ate in the prior month, and from this recall, how much fish did you eat last week? I don't know. What was on your taco two weeks ago? Who knows. But they're answering the question, presumably with consistent bias, and it's showing that they're eating more fish over time of the same types that the women with the higher exposure in the first biennium were eating. So we have fish consumption going up, exposure going down, and who knows what is happening but it's happening.

So the main point is why does cutting U.S. sources alone have limited public health benefits? Two reasons; one, a lot of the U.S. mercury, not all of it and not a majority of it in many areas, but a lot of it is from non-U.S. origin. Much of it across the country is from non-utility origin within the United States, of course.

Secondly, perhaps more importantly, the fish consumed by U.S. citizens are mostly not sensitive to changes within the United States. Eighty percent of the fish

consumed are marine ocean origin. Three quarters of those come from the North Pacific and that's way upwind if you're thinking of the dominant wind direction from west to east, so it's not likely to show much difference as U.S. sources are cut. So most changes within the U.S. will impact just U.S. freshwater fish, because it's closer to the sources that are changing. But in general those make up only about 10 percent -- less than 10 percent of the fish consumed. The difference between that and 100 percent is because of the farmed fish, many of the salmon, trout, catfish, many others are farmed and they have, basically, no mercury exposure, because there is no food chain, they are fed prepared foods.

UNIDENTIFIED MALE: Dr. Levin, we need to wrap up.

MR. LEVIN: I'm done. I'm done. The last point -- there is a lot to talk about -- about health effects and I could talk about autism, you know, until Christmas, but the one I'm focusing on

here, because the new results that are out, is the charge water at NIQ and I just want to go through it real quickly and talk about the findings. These are the findings of Trasaundy (phoentic spelling) and Mark Lipman, at New York University, published in two papers primarily a number of talks, one about IQ effects and the other about mental retardation effects in mercury. Their logic is basically shown in the first bullet. Lower IQ can mean two things; you can't keep a job, so your income is lower -- and this is very simplified, of course. Or you do much more poorly in school and you get worse jobs and your income is lower because of that. So, basically, you work full-time but it's a lousy job or you don't work full-time so you don't get enough money. That's the logic, I don't say anything about it.

They worked out a drop in income per lower IQ point of about almost two percent in men and three percent in women, I don't know why there is a sexual difference. And they worked out that the

cost of exposure due to all mercury, now I point out that this is all mercury sources coming into the United States is anywhere in this huge range from 2.2 to 44 billion dollars due to the change in IQ -- the lowering of IQ caused by mercury. Of this, only 0.4 percent of the cases are due to power plant mercury.

So again, they have provided us, in this study, a floor on how much you can control this health effect no matter what you do, assuming you believe the logic anyway. But no matter what you do to U.S. power plants, you're only going to make a change of less than half a percent in the IQ detriment that maybe there and in the cost to the country that may be there as well. So let's try hard but don't expect much to show up.

Okay. There are a lot of flaws in this I won't get into. The main point is that there have been two recent papers in publication or published, that note some of these flaws and well and do recalculations, and the first of them finds that the power

plant effect is actually 98 percent lower. So instead of 0.4 percent it's 0.002 percent of the overall total, which itself is lower in their calculations as well. So that's IQ. I won't get into cardiovascular and all the others, but there are a lot of rebuttals to this.

Finally, hot spots, we've talked about that already. EPA's analysis shows that hot spots -- not only do hot spots go completely away under the CAIR and CAMR rule, but that because EPA's model includes an increase in the other U.S. sources of mercury over time, because of economic growth, that the utility contribution of that actually declines over time while the maximum deposition increases, because that maximum deposition is made up of non-utility sources. It turns out it's in Chesapeake Bay and it's a wasted incinerator with almost no utility contribution.

Okay. That's it. Thank you.

MS. BOTCHLET-SMITH: I don't think we're going to do any questions at

this time, Dr. Levin.

MR. LEVIN: Oh, you can rap with me afterwards.

MS. BOTCHLET--SMITH: Any further comments need to be related directly to the rule.

MR. BRANECKY: Thank you, Dr. Levin. Appreciate that.

MS. BOTCHLET-SMITH: Thank you.

MR. GROUND: Council, I just want to say thank you for the time. I know it's late and this is an unusual time, but I really appreciate the opportunity and we as an industry really do not see a reason not to go ahead with the CAMR rule, EPA rule as proposed. That's our official position.

MS. BOTCHLET-SMITH: Okay. Mr. Branecky, we have no further comments from the public. So if there are any questions or further discussion from the Council, it's back at you.

MR. BRANECKY: If we don't have any discussion -- further discussion, I'm looking for a motion on this rule.

DR. WEDDLE: Sir?

MR. BRANECKY: Yes.

DR. WEDDLE: Can the public elaborate on their comments? We were told we only had between two and five minutes to comment on this. Power plants have commented on, this forever, on the positive benefits. Can we add anything else as a private --

MS. BOTCHLET-SMITH: Dr. Weddle, if you want to take the podium and make further comments, that would be fine. I did not limit anybody on the length of time that they could comment today. I thought it was important that both sides be able to have their say. So if you felt like you were limited to, two to five minutes, certainly we would like for you to have the opportunity, but we would like for you step to the podium so everyone can hear you.

DR. WEDDLE: I don't want to elaborate more, I just feel as a courtesy --

MS. BOTCHLET--SMITH: Hold on one second.

COURT REPORTER: I'm okay.

MR. BRANECKY: You okay? Okay. We need to make sure we get this on record. Okay.

MS. BOTCHLET-SMITH: Would you spell your name and begin one more time?

DR. WEDDLE: Yes. My name is Dr. John Weddle and again, I don't want to droan on and on about the pros and cons of mercury emission technology, I just feel like the public has been courteous and tried not to go on and on about these issues associated with excess mercury emissions from power plants.

We could, given time, probably refute or come up with an alternate answer to everything Dr. Levin presented here. We don't have the money or the organization of the power plants on our side. I want to reiterate what he said. I think mercury is a neuro-toxin. I think that the emissions from power plants contribute to many, many health related issues in this country and he corroborates that. I think the biggest issue is to the unborn child. I think that his slides leave you walking away with a

feeling of why do anything, nothing we do will control mercury emissions in this country. That is incorrect. We have to start somewhere and we have to take stewardship for our own state. We have got to step back and look at the emission of mercury from power plants and other sources, but by the slides presented here 43 percent of mercury emissions are from power plants -- 43 percent. We have got to take stewardship to limit the emission from those plants. We can debate what they do to our population at nauseam, they are neuro-toxins, they are toxic to our unborn children and they probably have effects on us. We have to walk away with that today and we have to take responsibility. That's all I wanted to add.

MR. BRANECKY: Thank you.

MS. BOTCHLET--SMITH: Thank you.

MR. BRANECKY: Any other comments from the public?

MS. BOTCHLET--SMITH: I'm sorry, Montelle, I can't remember your last name, but if you'd identify yourself again.

MR. CLARK: I'm Montelle Clark.

MS. BOTCHLET--SMITH: Montelle.

MR. CLARK: I want to speak very brief on -- let me gather my thoughts. This debate about mercury emissions coming from around the globe, from China and India, I looked at that quite a bit and I thought a lot about it. I'm sure that's true. It reminds me a little bit of the debate that's going on right now about global warming and greenhouse gases, quite a change that (inaudible) referred to. There's some point of view that's -- this came up when (inaudible) protocol, because developing nations such as China and India are emitting huge amounts of greenhouse gasses, therefore, there's no point in us controlling ours. Or until they control theirs there is no point in us controlling ours, et cetera. And sort of the same discussion came out of this presentation that we just saw (inaudible).

Again, I'm not going to discuss science but it kind of reminds me of my car. It's like -- it would almost be the

same, because my neighbor drives a Hummer, I'm not going to drive a Toyota Prius or because my neighbor doesn't tune up his vehicle and drives and old smoke belching Oldsmobile or something I'm not going to tune up my Honda Civic. I'm not going to rake my leaves, because none of my neighbors rake their leaves either. Sometimes, I think, you just have to set an example. Especially if you're going to negotiate with somebody. Sometimes you just have to take the lead on something.

We could dispute the science but whether we're going to make a tangible difference or not, probably nobody really knows for sure. Capture more of this mercury. I think sometimes we just have to set an example and do the best we can.

The final thing I'm going to ask -- and this is an important question, I'm not really quite clear on this, but if we capture more of the mercury from the stacks, it ends up, I assume, going into the ash -- more of it ends up in the ash that way. I don't know if this silly to be

considered tonight when you write your rules, but is that going to change the way we have to deal with that ash and the way that ash is stored and disposed of? If you can address that at all, I'd be curious about it because I don't really know the answer to that question. Thank you.

MR. PHILLIPS: I'd like to make just a quick comment about the --

MS. BOTCHLET-SMITH: Would you please restate your name, sir.

MR. PHILLIPS: Yes, I'm sorry. Darryl Phillips. We saw a beautiful PowerPoint presentation, very professionally done, by professional people, who are paid by the power industry, and if you watch those slides closely there was a lot that fell through the cracks or was glossed over or was just plain misrepresented. He -- Mr. Levin told us that some of the mercury could not be measured at all and yet later on in their quote models, it was there. Now it can't be there if we have no data on where it is. In addition models are exactly that, they

are somebody's assumption of what the real world is. NASA modeled the space shuttle that wouldn't fail a billion times and we've seen a couple of failures already. We see those in all kinds of models. Someone can model that mercury is standing around here in pools and that doesn't mean it is. Others can model that it all comes from China and it's going to go right on past us and go around again, that doesn't mean that it is. It's just the kind of numbers that you plug into a model. And I would just like to point out that what we just watched was primarily models.

Thank you.

MR. BRANECKY: Any further discussion from the Council? I think at this point I am ready to entertain a motion -- does someone have a motion?

MS. MYERS: I make a motion we continue this to the next meeting.

MR. MARTIN: Second.

MR. BRANECKY: I have a Motion to continue this rule to the July meeting and a second. Myrna.

MS. BRUCE: Laura Northen.

MS. WORTHEN: Yes.

MS. BRUCE: Rick Treeman.

MR. TREEMAN: Yes.

MS. BRUCE: Bob Curtis had to leave.

Jerry Purkaple.

MR. PURKAPLE: Yes.

MS. BRUCE: Gary Martin.

MR. MARTIN: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: David Branecky.

MR. BRANECKY: Abstain.

MS. BRUCE: Motion did pass.

MS. BOTCHLET-SMITH: There are a couple more items on our Agenda that are not requiring action, but we are presenting them as -- one is a hearing for comment and -- just to obtain comments and the other one is being withdrawn.

MR. BRANECKY: Are we done with the 111(d) Plan?

MS. BOTCHLET-SMITH: I'm sorry.

We are taking comments on the 111(d) Plan that Mr. Moffett presented, along with the mercury.

MR. PAQUE: But we don't have to vote on that?

MS. BOTCHLET--SMITH: It does not require action. It's just any comments.

MR. BRANECKY: I have two members that need to leave. So if they leave and we don't have a quorum that's not a problem with the remainder of the meeting.

MR. PAQUE: I don't think so.

MR. BRANECKY: We're not voting on anything else?

MS. BOTCHLET--SMITH: No, we're not. Nothing else requires a vote.

We'd like to point out that comments can be submitted in writing on the 111(d) Plan, since this rule has been continued to the next Council meeting. If anyone has comments that they want to submit, you have some additional time to do that.

MR. PAQUE: That's what I was going to suggest. The 111(d) Plan is tied to the Mercury Rule. Whatever rule

Oklahoma passes has to be submitted in a form of the 111(d) Plan. So I would imagine that most people would want to just second their comments, for the briefs we are making.

MS. BOTCHLET-SMITH: Okay. So let's move on.

(End of Item 6F)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 17th day of June, 2007.

_____

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

SC 9 EXCESS EMISSIONS REPORTING REQUIREMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 7

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
JERRY PURKAPLE - MEMBER
DON SMITH - MEMBER
SHARON MYERS - MEMBER
LAURA WORTHEN - MEMBER

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - DIVISION DIRECTOR
DR. JOYCE SHEEDY - AQD
MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Item Number 7 is OAC 252:100-9, Excess Emission Reporting Requirements. And Mr. Max Price will give the staff presentation.

MR. PRICE: Mr. Chairman, Members of the Council, ladies and gentlemen, the Division is considering changes to Subchapter 9. To facilitate this process the Division is again asking for comments from the Council and the public on how to improve the rule.

No action is required at this time from the Council.

Thank you.

MS. BOTCHLET-SMITH: Questions from the Council? Comments?

(No verbal response)

MS. BOTCHLET-SMITH: Okay. I have one notice of oral comment from Mr. Greg Elliott from Valero.

MR. ELLIOTT: My name is Greg Elliott with the Valero Ardmore Refinery. I appreciate the opportunity to talk. I

get along very well with the -- work very closely with the excess emissions people with the DEQ, they're very friendly and courteous. I'm just going to -- you're asking for suggestions, I was going to give you a couple. One of them is after talking with some of my counterparts at some other facilities, maybe some consistency -- some people are reporting excess emissions one way and others are being asked to report them another way.

An example is, if you have one event that causes multiple -- that causes an emission unit to have multiple emissions limits in the same 24-hour period for example, sometimes we're asked to put in 10-day notifications for each limit. So for one event, that had three one-hour periods or ten one-hour periods instead of just totalizing the emissions, showing the emissions impact, we're having to input line by line ten day. That means you're having to rewrite the cause of the event and the actions taken.

Another example is, if you have an

event that causes multiple emissions units to have excess emissions. For example, a power failure. If you have a power failure, we'll have the nature of the refining. We lose our power, we're coming down and we'll have multiple emissions units with multiple pollutants that have excess emissions. And then again, for each emissions unit, we were asked to input the excess emission, a ten-day report for each emissions unit.

I would just like to ask that there be someway to format in the ten-day report where you can have multiple emissions units.

Another one is, I would just like to say I agree with Ms. Melody Martin, with OG&E, about if we could come up with a way that we have multiple reports that we submit quarterly, semi-annual and annual, especially with Title V deviation reports. ODEQ gets notified of excess emissions, and I would just like to propose that we think about if we exceed in RQ, like a federal RQ limit of EPCRS or CERCLA, we make the

immediate notification then in ten-days, but otherwise allow us to report in our other required reports so you would still get the information that way.

Thank you very much.

MS. BOTCHLET-SMITH: That's the only comment that we have scheduled at this time.

MR. BRANECKY: That's all we have to do?

MS. BOTCHLET-SMITH: That's all we have to do on that one.

MR. BRANECKY: Let's move on.

(End of Item 7)

C E R T I F I C A T E

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) ss:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceeding was recorded by shorthand by me and thereafter transcribed under my direction; that said proceedings were taken on the 18th day of April, 2007, at Tulsa, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

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Certificate No. 00310

#8 APPENDICES H, I, J WITHDRAWN

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

OF THE AIR QUALITY COUNCIL

REGULAR MEETING

ITEM NUMBER 8

HELD ON APRIL 18, 2007, AT 9:00 A.M.

OSU - TULSA CAMPUS

IN TULSA, OKLAHOMA

* * * * *

MEMBERS OF THE COUNCIL

DAVID BRANECKY - CHAIRMAN
RICK TREEMAN - VICE-CHAIRMAN
BOB CURTIS - MEMBER
BOB LYNCH - MEMBER
GARY MARTIN - MEMBER
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MATT PAQUE - LEGAL
BEVERLY BOTCHLET-SMITH - AQD
PHILLIP FIELDER - AQD

PROCEEDINGS

MS. BOTCHLET-SMITH: Item Number 8, is Appendices H, I and J that are being withdrawn and Dr. Joyce Sheedy is going to give the explanation on that.

DR. SHEEDY: Mr. Chairman, Members of the Council, ladies and gentlemen, at the April 19, 2006, Air Quality Council meeting, the Department proposed to revise Appendix H, De Minimis Facilities; Appendix I, Insignificant Activities, Registration List; and Appendix J, Trivial Activities, De Minimis, List. Our purpose was to determine if these lists needed to be updated and to consider what changes would be required to obtain EPA's approval to add Appendices H, I, and J to Oklahoma's State Implementation Plan or SIP Plan. It has been inferred by EPA that if we want these appendices to be part of our SIP, we would have to prepare a demonstration justifying each activity or facility on the lists. The hearing was continued to the July 19, 2006, Council

meeting to allow additional time for comments from industry and the public, and to give additional time for the Air Quality staff to prepare the demonstration.

At the July 19, 2006, Council meeting, the staff announced that the demonstration required more time than anticipated and we asked that the hearing be postponed for the proposed revisions to Appendices H, I, and J be tabled, until the demonstration could be completed and the appendices revised accordingly. The Council agreed with this action.

Our anticipated 2007 workload for Rules and Planning, includes several SIP revisions, the mercury rule -- and it's a heavy workload. At this time, the current Appendices H, I, and J, are in place, they're workable, and upon further consideration, we feel that it would serve no purpose to include them in our SIP. In any event, I would ask that this proposed revision to these Appendices be removed from consideration.

MS. BOTCHLET-SMITH: No action

required on that. That's the end of any of the items we had that needed to be captured as part of the hearing.

MR. BRANECKY: Okay.

(End of Item 8)

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) ss:
COUNTY OF OKLAHOMA)

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CHRISTY A. MYERS, C.S.R.
Certificate No. 00310