

**DRAFT MINUTES
 AIR QUALITY ADVISORY COUNCIL
 April 17, 2013
 Tulsa Tech, Broken Arrow Campus
 Seminar Center, E Base
 4000 West Florence
 Broken Arrow, Oklahoma**

Official after AQAC Approved
 at July 17, 2013 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on April 17, 2013, at the Tulsa Tech, Broken Arrow Campus, 4000 West Florence, Broken Arrow, Oklahoma. Notice of the meeting was forwarded to the Office of Secretary of State on November 16, 2012. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Ms. Beverly Botchlet-Smith, Assistant Division Director of the Air Quality Division (AQD), announced that Mr. Scott Thomas, Environmental Programs Manager of the AQD, will act as Protocol Officer and convene the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. He entered the agenda and the Oklahoma Register Notice into the record and announced that forms were available at the registration table for anyone wishing to comment on any of the rules. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Jeanette Nance called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Gerald Butcher
 Montelle Clark
 David Gamble
 Jim Haught
 Laura Lodes
 Sharon Myers

MEMBERS ABSENT

G.T. Bynum
 Gary Collins
 Robert Lynch

DEQ STAFF PRESENT

Beverly Botchlet-Smith
 Cheryl Bradley
 Rhonda Jeffries
 Scott Thomas
 Brooks Kirlin
 Rob Singletary
 Sean Walker
 Joyce Sheedy
 Nancy Marshment
 Dawson Lasseter
 Mark Gibbs
 Jeanette Nance

OTHERS PRESENT

Christy Myers, Court Reporter

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the January 16, 2013 Regular Meeting. Mr. Haught moved to approve and Mr. Gamble made the second.

See transcript pages 4 - 5

Gerald Butcher	Yes	Jim Haught	Yes
Montelle Clark	Abstain	Sharon Myers	Yes
David Gamble	Yes	Laura Lodes	Yes

**OAC 252:100-7 Permits for Minor Facilities [AMENDED]
For Consideration as a Permanent Rule**

Dr. Joyce Sheedy, Engineer Intern of the AQD, stated the Department proposes to revise Part 9 of Subchapter 7, Permits for Minor Facilities, to add a new Permit by Rule (PBR) in 252:100-7-60.5 for the Oil and Natural Gas (O&NG) sector. The Department also proposes to amend existing rule language in 252:100-7-60 that applies to all PBRs. The PBR would streamline the permitting process for O&NG sources affected by recent changes to the federal standards. The proposal includes a change to the requirements regarding registrations under PBRs to make the registration effective upon receipt of the application by the Department. This proposed revision was first presented at the January 16, 2013 AQAC meeting. The hearing was continued to a subsequent meeting to allow the staff time to evaluate late comments from the O&NG industry. Following discussion by the Council and the public, Ms. Lodes called for a motion to pass the rule. Mr. Haught move to approve and Mr. Butcher made the second.

See transcript pages 7 – 26

Gerald Butcher	Yes	Jim Haught	Yes
Montelle Clark	Yes	Sharon Myers	Yes
David Gamble	Yes	Laura Lodes	Yes

**OAC 252:100-7 Permits for Minor Facilities [AMENDED]
For Consideration as an Emergency Rule**

Mr. Rob Singletary, Environmental Attorney Supervisor of the AQD, stated the Department has received a request for adoption of the proposed permanent rule as an emergency rule. Mr. Singletary indicated in order for a rule to be promulgated as an emergency rule, a finding of emergency has to be made. There must be significant evidence that the rule is necessary as an emergency rule in order to satisfy one of the following five criteria: 1) to protect public health, safety, and welfare; 2) to comply with deadlines and amendments to agency’s governing law or federal programs; 3) avoid violation of federal law or regulation or other state law; 4) to avoid imminent reduction in the agency’s budget or 5) the rule has to be necessary to avoid serious prejudice to the public interest. There were no official rulemaking petitions received, but there were three requests for an emergency rulemaking from the following: Devon Energy on February 28, Mid-Continent Oil and Gas of Oklahoma on April 12, and the Oklahoma Independent Petroleum Association on April 15. Following questions and comments by the Council and none by the public, Ms. Lodes called for a motion to pass the rule as an Emergency rule. Ms. Myers made a motion and Mr. Gamble made the second.

See transcript pages 26 – 42

Gerald Butcher	Yes	Jim Haught	Yes
Montelle Clark	Yes	Sharon Myers	Yes
David Gamble	Yes	Laura Lodes	Yes

Appendix E. Primary Ambient Air Quality Standards [REVOKED]

Appendix E. Primary Ambient Air Quality Standards [NEW]

Mr. Matt Weis, Environmental Programs Specialist of the AQD, stated the Department proposes to revoke the current Chapter 100, Appendix E, Primary Ambient Air Quality Standards, and adopt a new Appendix E. The Oklahoma rules on rulemaking dictate the procedures of revoking the old and creating a new Appendix. Changes to Appendix E have been made to reflect the recent revision of federal National Ambient Air Quality Standards (NAAQS) for fine particulate matter that was finalized on December 14, 2012. Notice of the proposed rule changes was

published in the Oklahoma Register on March 13, 2013. The Department received a written comment from EPA Region 6 expressing their agreement with the revisions. No other comments have been received as of April 17, 2013. Following questions and comments by the Council and none by the public, Ms. Lodes called for a motion to revoke the old standards and incorporate the new standards. Ms. Myers moved to approve and Mr. Clark made the second.

See transcript pages 42 - 53

Gerald Butcher	Yes	Jim Haught	Yes
Montelle Clark	Yes	Sharon Myers	Yes
David Gamble	Yes	Laura Lodes	Yes

Mr. Thomas announced the conclusion of the hearing portion of the meeting.

See transcript page 53

Division Director's Report – Ms. Botchlet-Smith provided an update on other Division activities.

New Business – None

Adjournment – The next Regular Meeting is scheduled for Wednesday, July 17, 2013 in Oklahoma City, Oklahoma. Ms. Lodes called for a motion to adjourn the meeting. Mr. Butcher moved to adjourn and Mr. Gamble made the second.

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

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TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL MEETING
ON APRIL 17, 2013, AT 9:00 A.M.
HELD IN BROKEN ARROW, OKLAHOMA

* * * * *

Myers Reporting

Sheet 2 Page 2

MEMBERS OF THE COUNCIL

Mr. Butcher
Mr. Bynum
Mr. Clark
Mr. Collins
Mr. Gamble
Mr. Haught
Dr. Lynch
Ms. Myers
Ms. Lodes

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PROCEEDINGS

1
2 MS. LODES: Let's go ahead
3 and call the meeting to order, and
4 everybody take their seats.
5 I'd like to call today's
6 meeting of the Air Quality Council to
7 order.
8 Jeanette, will you please call
9 role.
10 MS. NANCE: Mr. Butcher.
11 MR. BUTCHER: Here.
12 MS. NANCE: Mr. Bynum is
13 absent. Mr. Clark.
14 MR. CLARK: Present.
15 MS. NANCE: Mr. Collins is
16 absent. Mr. Gamble.
17 MR. GAMBLE: Here.
18 MS. NANCE: Mr. Haught.
19 MR. HAUGHT: Here.
20 MS. NANCE: Mr. Lynch is
21 absent. Ms. Myers.
22 MS. MYERS: Here.
23 MS. NANCE: Ms. Lodes.
24 MS. LODES: Here.
25 MS. NANCE: We have a

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1 quorum.
2 MS. LODES: Thank you,
3 Jeanette.
4 The next item on today's agenda
5 is Approval of the Minutes from the
6 January 16th, 2013 regular meeting.
7 Do we have any comments or
8 questions regarding the Minutes of
9 the meeting? Hearing no comments or
10 questions from the from the Council,
11 do we have a motion to approve the
12 Minutes from the January 16th
13 meeting?
14 MR. HAUGHT: I'll move to
15 accept the Minutes.
16 MR. GAMBLE: Second.
17 MS. LODES: I have a motion
18 and a second. Jeanette, will you
19 please call role.
20 MS. NANCE: Mr. Butcher.
21 MR. BUTCHER: Yes.
22 MS. NANCE: Mr. Clark.
23 MR. CLARK: Abstain.
24 MS. NANCE: Mr. Collins.
25 Oh, sorry, absent. Mr. Gamble.

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1 MR. GAMBLE: Yes.
2 MS. NANCE: Mr. Haught.
3 MR. HAUGHT: Yes.
4 MS. NANCE: Ms. Myers.
5 MS. MYERS: Yes.
6 MS. NANCE: Ms. Lodes.
7 MS. LODES: Yes.
8 MS. NANCE: Motion passed.
9 MS. LODES: Thank you.
10 MS. BOCHLETT-SMITH: Scott
11 will be acting as Protocol Officer
12 today.
13 MS. LODES: Oh, yeah.
14 (Inaudible comment)
15 MS. LODES: Scott.
16 MR. THOMAS: Yes.
17 MS. LODES: We are now to
18 the public rulemaking hearing portion
19 of the meeting.
20 MR. THOMAS: Thank you.
21 Good morning. I'm Scott Thomas,
22 Environmental Programs Manager of
23 Data and Planning of the Air Quality
24 Division. As such I will serve
25 today as Protocol Officer for today's

Myers Reporting

<p>Sheet 3 Page 6</p> <p>1 hearings.</p> <p>2 The hearings will be convened</p> <p>3 by the Air Quality Council in</p> <p>4 compliance with the Oklahoma</p> <p>5 Administrative Procedures Act in</p> <p>6 Title 40 of the Code of Federal</p> <p>7 Regulations, Part 51, as well as the</p> <p>8 authority of Title 27A of the</p> <p>9 Oklahoma Statutes, Section 2-2-201,</p> <p>10 and Sections 2-5-101 through 2-5-117.</p> <p>11 Notice of the April 17th</p> <p>12 hearings were advertised in the</p> <p>13 Oklahoma Register for the purpose of</p> <p>14 receiving comments pertaining to the</p> <p>15 proposed OAC Title 252, Chapter 100</p> <p>16 rules as listed on the Agenda and</p> <p>17 will be entered into each record</p> <p>18 along with the Oklahoma Register</p> <p>19 filing. Notice of the meeting was</p> <p>20 filed with the Secretary of State on</p> <p>21 November 16th, 2012. The Agenda was</p> <p>22 duly posted 24 hours prior to the</p> <p>23 meeting at this facility and at DEQ.</p> <p>24 If you wish to make a</p> <p>25 statement, it is very important that</p>	<p>Page 8</p> <p>1 252:100-7-60.5 for the oil and</p> <p>2 natural gas industry, the O&NG</p> <p>3 sector, and to amend the existing</p> <p>4 rule language in 252:100-7-60 that</p> <p>5 applies to all PBRs. This proposed</p> <p>6 revision was first presented at the</p> <p>7 January 16, 2013 Air Quality Advisory</p> <p>8 Council meeting at which time the</p> <p>9 hearing was continued to a subsequent</p> <p>10 meeting to allow staff time to</p> <p>11 evaluate some late-arriving comments</p> <p>12 from the O&NG industry.</p> <p>13 A significant number of minor</p> <p>14 facilities and area sources in the</p> <p>15 O&NG sector are subject, or will be</p> <p>16 subject, to the new NSPS Subpart</p> <p>17 OOOO, which sets standards for crude</p> <p>18 oil and natural gas production,</p> <p>19 transmission, and distribution and to</p> <p>20 the amended NESHAPs Subpart HH which</p> <p>21 sets standards for Hazardous Air</p> <p>22 Pollutants or HAPs, from oil and</p> <p>23 natural gas production facilities.</p> <p>24 Subchapter 7 of the Oklahoma</p> <p>25 Air Pollution Control Rules requires</p>
<p>Page 7</p> <p>1 you complete the form at the</p> <p>2 registration table, and you will be</p> <p>3 called upon at the appropriate time.</p> <p>4 Audience members please come to</p> <p>5 the podium for your comments and</p> <p>6 please state your name. It might be</p> <p>7 a good idea to put all your cell</p> <p>8 phones on mute, too.</p> <p>9 At this time we will proceed</p> <p>10 with what's marked as Agenda Item 4A</p> <p>11 on the Hearing Agenda. That's OAC</p> <p>12 252:100-7, Permits for Minor</p> <p>13 Facilities Amended for consideration</p> <p>14 as a permanent rule. We'll be</p> <p>15 considering this as an emergency rule</p> <p>16 in a different portion of the</p> <p>17 hearing.</p> <p>18 Dr. Joyce Sheedy will make the</p> <p>19 staff presentation. Joyce.</p> <p>20 DR. SHEEDY: Madam Chair,</p> <p>21 Members of the Council, ladies and</p> <p>22 gentlemen, the Department proposes to</p> <p>23 revise Part 9 of Subchapter 7,</p> <p>24 Permits for Minor Facilities to add a</p> <p>25 new permit by rule or PBR in</p>	<p>Page 9</p> <p>1 air quality construction and</p> <p>2 operating permits for any new or</p> <p>3 modified minor facility or area</p> <p>4 source that is subject to an emission</p> <p>5 standard, equipment standard, or work</p> <p>6 practice standard in an NSPS or a</p> <p>7 NESHAP. A significant number of</p> <p>8 minor facilities and area sources,</p> <p>9 which were formerly de minimis or</p> <p>10 permit exempt, will now be required</p> <p>11 to obtain air quality permits.</p> <p>12 Of the three types of air</p> <p>13 quality permits available,</p> <p>14 registration under a PBR requires the</p> <p>15 least time and money to obtain or to</p> <p>16 issue. Therefore, DEQ is proposing a</p> <p>17 comprehensive PBR that includes all</p> <p>18 the state and federal rules and</p> <p>19 regulations that might apply to these</p> <p>20 minor facilities and area sources in</p> <p>21 the O&NG sector. This PBR will not</p> <p>22 cause any minor facility or area</p> <p>23 source to be subject to NSPS or to</p> <p>24 NESHAPs, and it will not require them</p> <p>25 to obtain an air quality permit.</p>

Myers Reporting

<p>Sheet 4 Page 10</p> <p>1 Those requirements are already in 2 place. The PBR merely provides a 3 streamlined, expedited permitting 4 process for those facilities that 5 qualify for registration under it. 6 The proposed PBR covers equipment and 7 processes located at facilities in 8 the O&NG sector, and requires 9 compliance with the applicable 10 standards contained in NSPS Subparts 11 OOOO, JJJJ, IIII and the NESHAP 12 Subpart HH and ZZZZ, and Air Quality 13 Control Rules OAC 252:100 Subchapters 14 5, 9, 19, 25, 29, 31, 33, 37, 39, 15 and 43.</p> <p>16 A number of changes have been 17 made to the proposal presented at the 18 January 2013 Council meeting. 19 252:100-7-60 has been reformatted and 20 rearranged in what we hope is a more 21 logical manner. Paragraph 2 was 22 added to 252:100-7-60(a), codifying 23 the existing policy that a facility 24 cannot be registered under more than 25 one PBR at a time or under a PBR and</p>	<p>Page 12</p> <p>1 of minor facilities" was change to 2 "industries" to echo the language 3 found in 252:100-7-15(b). 4 In 252:100-7.60(b)(1)(A) that 5 was revised to clarify, in 6 conjunction with the application 7 form, that application for 8 registration for construction and 9 operation under a PBR could be 10 submitted at the same time. The 11 252:100-7-60(c) was revised to make 12 registration under a PBR effective 13 upon receipt of the application and 14 fees by the DEQ, and Paragraph 2 was 15 added to define acceptable 16 documentation of receipt of the PBR 17 registration application. These are 18 substantive changes to 7-60. 19 And in 252:100-7-60.5(a) listed 20 as a PBR, the applicability of the 21 O&NG PBR was revised to cover the 22 O&NG sector and the words "but not 23 limited to" were added to the list 24 covered by NSPS and NESHAPS to remove 25 unnecessary and unintended</p>
<p>Page 11</p> <p>1 a general or individual permit at the 2 same time, but that the owner or 3 operator may change the facility's 4 registration from one PBR to another 5 or from a general or individual 6 permit to a PBR or vice versa. 7 The 252:100-7-60.5(b) and (c) 8 were combined and reformatted for 9 clarity and Subpart A, General 10 Provisions, was added to the list of 11 NSPS and also to the list of NESHAPS 12 that were covered by the PBR which 13 will cover completeness of Subparts 14 covered.</p> <p>15 Comments on the proposal 16 presented at the January 2013 meeting 17 were received too late for the staff 18 to respond at that meeting. A 19 summary of those comments and the 20 staff responses are now available and 21 I think they may be posted to the 22 website. And we've made the 23 following changes to the January 24 proposal based on those comments. 25 In 252:100-7-60(a) the "group</p>	<p>Page 13</p> <p>1 limitations. 2 252:100-7-60.5(a)(1) was 3 revised to clarify that when 4 determining if a facility is eligible 5 for registration under the O&NG PBR, 6 calculations of potential emissions 7 cannot include emission reductions 8 resulting from any physical or 9 operational limitation, but the 10 calculation of actual emissions may 11 include emission reductions that will 12 be made enforceable by the 13 registration under that PBR. 14 252:100-7-60.5(a)(2) was 15 rewritten to eliminate unnecessary 16 language and to clarify what 17 equipment and processes are covered 18 by the O&NG PBR. 19 And in 252:100-7-60.5(a)(2)(D) 20 and (E) they were revised to change 21 "affected area sources" to "affected 22 sources which are located at area 23 sources" to match the NESHAP 24 terminology. 25 In 252:100-7-60.5(b)(2) the</p>

Myers Reporting

<p>Sheet 5 Page 14</p> <p>1 typographical error "Subpart JJJJ" 2 was corrected to "Subpart IIII". 3 Subparagraph (H) was added to 4 252:100-7-60.5(b)(1) as a "catchall" 5 category for equipment subject to any 6 applicable NSPS or NESHAP not 7 specifically named in the PBR. 8 And Subsection 9 252:100-7-60.5(d) was renumbered 10 which is now Subsection (c) and 11 revised to clarify that coverage for 12 storage vessels under subsection (c) 13 is not automatic, but must be 14 requested in the application for 15 registration. 16 And 60.5(c)(1) and (2) have 17 been revised to allow the 12-month 18 rolling total to be changed if EPA 19 promulgates a different time 20 measurement in NSPS 0000. 21 And "VRU downtime" in 22 252:100-7-60.5(c)(1)(B) has been 23 replaced with "uncontrolled venting". 24 Subsection (c) has been revised to 25 clarify that it provides two separate</p>	<p>Page 16</p> <p>1 9th from Brian Woodard of OIPA 2 requesting that 252:100-7-60.5 3 (a)(1)(F) be revised to delete the 4 reference to 252:100-7-15(b)(1)(E) 5 that restricts registration under the 6 a PBR to facilities that are not 7 operated in conjunction with another 8 facility or source that is subject to 9 air quality permitting. This change 10 would have no effect actually on the 11 applicability of 12 252:100-7-15(b)(1)(E) to the PBR. 13 However, we thought the 14 252:100-7-15(b)(1)(E) would not 15 preclude an operator's ability to 16 combine existing affected sources 17 with new collocated sources under a 18 single, common PBR as long as the 19 combined facility meets the criteria 20 contained in 252:100-7-60.5(a)(1) and 21 the PBR in question. The PBR will 22 not affect the way collocation and 23 facility issues are handled by the 24 Department. Mr. Woodard also 25 requested that language be added</p>
<p>Page 15</p> <p>1 limits. Paragraph (1) sets a limit 2 for storage vessels with VOC emission 3 controls using a VRU or other methods 4 except a flare or enclosed combustion 5 device; and Paragraph 2 sets a limit 6 for storage vessels with VOC 7 emissions controlled using a flare or 8 an enclosed combustion device with or 9 without a VRU. 10 Commenters also questioned the 11 necessity to submit annual emission 12 inventories. This requirement is 13 currently in place in OAC 14 252:100-5-2.1(a) and any changes to 15 it would have to be made to that 16 Subchapter in a separate rulemaking 17 action. 18 Notice of the proposed rule 19 changes were published in the 20 Oklahoma Register on March 15, 2012. 21 The notice requested written comments 22 from the public and other interested 23 parties. DEQ received comments from 24 OIPA and Devon. 25 A letter was received on April</p>	<p>Page 17</p> <p>1 requiring that all affected sources 2 operated at any one facility be 3 covered by a single PBR. Proposed 4 252:100-7-60(a)(2) should address 5 this issue. 6 An email was received on April 7 10, 2013 from Angie Burckhalter of 8 Devon requesting that 9 252:100-7-60.5(a)(1) -- 10 MS. BRADLEY: The Council 11 Members who have their backs to the 12 screen may want to move, so that you 13 can see. 14 DR. SHEEDY: Oh, yes. I'm 15 sorry. Thank you. I believe we 16 have given copies of this -- of 17 what's on the screen now. 18 Is that not true? 19 MS. BRADLEY: Yes. 20 DR. SHEEDY: So you have a 21 copy of that, which has some changes 22 that were proposed at this meeting. 23 Okay. So Devon requested that 24 some changes be made to 60.5(a)(1) 25 and (2) and 252:00-7-60.5(b)(1)(B) to</p>

Myers Reporting

<p>Sheet 6 Page 18</p> <p>1 be consistent and inclusive as to the 2 types of facilities covered by the 3 PBR and we agree that it should be 4 consistent and inclusive so we are 5 proposing to replace the list of 6 facilities and processes covered by 7 the PBR in 252:100-7-60.5(a)(1), on 8 Page 2, and on the screen, with 9 "O&NG sector" and to revise the first 10 sentence in 252:100-7-60.5(a)(2) on 11 Page 3, to read "this PBR covers 12 equipment and processes located at 13 minor facilities and area sources in 14 the O&NG sector that meet the 15 criteria contained in 16 252:100-7-60.5(a)(1)". This should 17 provide the maximum coverage by the 18 PBR.</p> <p>19 While we do not propose to 20 change the tag line for 21 252:100-7-60.5(b)(1)(B) which is on 22 Page 3, because it is based on the 23 NSPS Subpart 0000 title, we are 24 proposing to replace the rest of 25 Subparagraph (B) with "The owner or</p>	<p>Page 20</p> <p>1 in format "40 CFR 60" in the first 2 sentence should be changed to "40 CFR 3 Part 60".</p> <p>4 And 252:100-7-60.5(c)(1) and 5 (2) in the introductory text to 6 Paragraph (1) which is on Page 4, 7 and Paragraph (2), which is on Page 8 5, "40 CFR Section 60.5395" should be 9 replaced by "40 CFR Part 60 10 Subchapter 0000" which is a more 11 general reference.</p> <p>12 Staff is also aware that a 13 proposed amendment to 40 CFR Part 60, 14 Subpart 0000, to update standards for 15 storage vessels was published in the 16 Federal Register on April the 12th, 17 2013. The proposed changes do not 18 appear to affect the scope or the 19 regulatory language proposed in the 20 O&NG PBR. Although the final 21 amendment to Subpart 0000, which is 22 due July the 31st, if the EPA is on 23 time with it, may differ from EPA's 24 proposal. The changes proposed at 25 this meeting make the references to</p>
<p>Page 19</p> <p>1 operator of each minor affected 2 facility shall comply with the 3 applicable standards and requirements 4 of 40 CFR Part 60, Subpart 0000".</p> <p>5 In addition to the changes made 6 in response to the comments received, 7 the Air Quality Division is proposing 8 to make the following nonsubstantive 9 changes for consistency in format and 10 punctuation.</p> <p>11 On Page 2, in 252:100-7-60.5(a) 12 "NSPS at 40 CFR Part 60" should be 13 "NSPS, 40 CFR Part 60" and "NESHAP 14 at 40 CFR Part 63" should be 15 "NESHAP, 40 CFR Part 63" for the 16 sake of grammar and punctuation.</p> <p>17 252:100-7-60.5(a)(2)(A), which 18 is also on -- which is on Page 3, we 19 have -- we proposed to delete (a) 20 through (h) from the reference to 40 21 CFR Section 60.5365 to remove any 22 unnecessary limitations to the list 23 of effected sources for 0000.</p> <p>24 And in 252:100-7-60.5(b)(1)(B) 25 which is on Page 3, for consistency</p>	<p>Page 21</p> <p>1 NSPS Subpart 0000 as general as 2 possible and therefore we (inaudible) 3 require a change to this rule.</p> <p>4 Therefore, staff requests that 5 the proposed amendments to Subchapter 6 7 as revised at this hearing be 7 forwarded to the Environmental 8 Quality Board with the recommendation 9 that they be adopted as permanent 10 rule changes.</p> <p>11 MR. THOMAS: Are there any 12 questions by the Council? 13 MS. LODES: Thank you, 14 Joyce.</p> <p>15 MS. MYERS: I do have a 16 question. Under the general 17 requirements where it's talking -- it 18 would be 7-60(b) and then (B) under 19 (1), when it's talking about a 20 modification.</p> <p>21 DR. SHEEDY: Yes. 22 MS. MYERS: While I 23 understand the intent -- I'm playing 24 devil's advocate here -- when it says 25 other physical or operational changes</p>

Myers Reporting

<p>Sheet 7 Page 22</p> <p>1 are not modifications, how are those 2 going to be defined where they're 3 clearly staying within their PBR 4 requirements? 5 DR. SHEEDY: Well, I think 6 what -- what we intend and what 7 permits intends, once you've gotten 8 registered under the PBR and you're 9 within the confines of that PBR, you 10 can make changes within your facility 11 as long as you are keeping to the 12 equipment that's covered and as long 13 as you are under the emission limits 14 that are set, the cap as it were, 15 and that's not a modification. You 16 don't have to send us something to 17 tell us so. Now if you do anything 18 else this isn't going to let you out 19 -- 20 MS. MYERS: Right. 21 DR. SHEEDY: -- of the PBR. 22 In won't be in that box anymore and 23 therefore you will have to 24 investigate changing your permit to 25 general permit or an individual</p>	<p>Page 24</p> <p>1 You need a different kind of permit. 2 MR. GAMBLE: Okay. 3 MS. LODES: So something 4 like adding a tank, if you're not 5 increasing throughput or swinging an 6 engine, would not be a modification 7 because you would still be within 8 your emissions? 9 DR. SHEEDY: As long as 10 you're within the 40-actual and 100 - 11 - and the toxic numbers. 12 MS. LODES: Okay. 13 DR. SHEEDY: Yeah. That's 14 my understanding and I hope its 15 permit is understanding. We talked 16 it over pretty well. 17 MS. LODES: Okay. 18 DR. SHEEDY: This is what 19 we wanted for it. 20 Any other questions? 21 MR. THOMAS: Further 22 questions from the Council? 23 In that case, we can go to 24 questions and comments from the 25 audience. Again, we prefer you to</p>
<p>Page 23</p> <p>1 permit, if you still require a 2 permit. 3 MS. MYERS: I just didn't 4 know if that's going to be confusing 5 to people trying to be in compliance. 6 DR. SHEEDY: I hope not. 7 It would pass (inaudible) but we're 8 just trying to keep it as simple as 9 we can and as long as you're within 10 the boxes covered by the PBR then 11 what you do within the box is not 12 quite (inaudible) under the -- under 13 the emission limits that PBR allows, 14 the 40 tons, potential of less than 15 100. 16 MR. GAMBLE: So the 17 definition of a modification that 18 we've got here, this only is 19 applicable within the confines of the 20 PBR? 21 DR. SHEEDY: Yes. Yes. 22 Once you do something that would take 23 you out of the PBR then -- it's not 24 really a modification to the PBR 25 because you can't really modify it.</p>	<p>Page 25</p> <p>1 -- if you want to make a comment 2 please fill out one of these forms 3 at the registration desk. Ask Donna. 4 Right now I only have one, and that 5 being Deborah Perry (ps) representing 6 (inaudible). 7 MS. PERRY: I resolved my 8 concerns. 9 MR. THOMAS: Any other 10 comments or questions from the 11 audience, or from the public? 12 Seeing none, then turn it back 13 to Laura. 14 MS. LODES: If we have no 15 further questions from the audience 16 or the Council, the DEQ has 17 recommended that we pass this as a 18 permanent rule with the changes that 19 Joyce presented, what was in the 20 packet and what we did receive a 21 copy of at the table today. 22 Do we have a motion to approve 23 this? 24 MR. HAUGHT: Yeah. I'll 25 move to approve changes to Subchapter</p>

Myers Reporting

Sheet 8 Page 26

1 7 as proposed.
2 MS. LODES: I have a
3 motion. Do I have a second?
4 MR. BUTCHER: I'll second
5 that.
6 MS. LODES: I have a motion
7 and a second. Jeanette, will you
8 please call role.
9 MS. NANCE: Mr. Butcher.
10 MR. BUTCHER: Yes.
11 MS. NANCE: Mr. Clark.
12 MR. CLARK: Yes.
13 MS. NANCE: Mr. Gamble.
14 MR. GAMBLE: Yes.
15 MS. NANCE: Mr. Haught.
16 MR. HAUGHT: Yes.
17 MS. NANCE: Ms. Myers.
18 MS. MYERS: Yes.
19 MS. NANCE: Ms. Lodes.
20 MS. LODES: Yes.
21 MS. NANCE: Motion passed.
22 MR. THOMAS: At this time
23 we will proceed with Agenda Item
24 Number 4B, OAC 252:100-7, Permits for
25 Minor Facilities amended. This time

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1 for consideration as an emergency
2 rule. Rob Singletary will make the
3 staff presentation.
4 MR. SINGLETARY: Madam
5 Chair, Members of the Council, ladies
6 and gentlemen, my name is Rob
7 Singletary and I am the Supervising
8 Attorney for the Air Quality Division
9 at the DEQ.
10 Today, I am going to present
11 several requests that the Agency has
12 received that the Permit-by-Rule that
13 the Council just voted to recommend
14 for approval to the Environmental
15 Quality Board as a permanent rule,
16 that that also be recommended for
17 approval as an emergency rule to the
18 Board.
19 As the Council already knows in
20 order for a rule to be promulgated
21 as an emergency rule, a "finding of
22 emergency" has to be made. In order
23 for that to be made, the statute
24 provides that there must be
25 substantial evidence that the rule is

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1 necessary as an emergency rule in
2 order to satisfy one of the following
3 five criteria.
4 Those criteria are one, to
5 protect public health, safety, and
6 welfare.
7 Two, to comply with deadlines
8 and amendments to Agency's governing
9 law or federal programs.
10 Three, avoid violation of
11 federal law or regulation or other
12 state law.
13 Four, to avoid imminent
14 reduction in the Agency's budget; or
15 five, which is probably the most
16 relevant to these requests, the rule
17 has to be necessary to avoid serious
18 prejudice to the public interest.
19 As far as process goes, in the
20 event that the Council decides to
21 approve the PBR as an emergency rule
22 today, it will then go to the
23 Environmental Quality Board and then
24 go to the Governor for approval.
25 Once -- if approved by the Governor,

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1 it would become effect immediately
2 and it would stay in effect until
3 July 14th of 2014 unless the
4 Legislature did something in the
5 interim.
6 We haven't received any formal
7 rulemaking petitions but we have,
8 like I said, received three different
9 requests for rulemaking -- or for
10 Emergency Rulemaking in this matter.
11 The first was received from Devon
12 Energy on February 28th; the second
13 was received from Mid-Continent Oil
14 and Gas of Oklahoma on April 12th;
15 and the last was received by Oklahoma
16 Independent Petroleum Association on
17 April 15th.
18 I believe you guys have copies
19 of all three of those requests in
20 your packet. I will try to very
21 briefly summarize the positions that
22 are taken in those requests.
23 They essentially state that
24 although it would not be a violation
25 of any federal law to not have the

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<p>Sheet 9 Page 30</p> <p>1 emergency rulemaking, the emergency 2 rulemaking would help facilities to 3 either avoid applicability of various 4 federal requirements or it would at 5 least help them to comply with it a 6 little easier.</p> <p>7 The second is that an emergency 8 rulemaking would serve the public 9 interest by decreasing the burden on 10 Agency resources during the interim 11 period before the PBR becomes -- the 12 permanent PBR becomes effective.</p> <p>13 The third is that emergency 14 rulemaking would reduce the 15 regulatory burden on the subject 16 facilities by streamlining that 17 permitting process and by doing that 18 hopefully avoiding any potential 19 delays in getting permits because as 20 stated in these requests and in the 21 statements provided by the 22 requestors, they believe that there 23 could be hundreds or even thousands 24 of permit applications that are 25 necessary. And there is some concern</p>	<p>Page 32</p> <p>1 permitting fees for our general 2 permits and for the individual 3 permits, both of which are currently 4 available to these same facilities. 5 The construction and operating fees 6 for the PBR -- I think Joyce just 7 mentioned -- I think they're 8 combined, \$350.00. The GP which is 9 the next less costly alternative is 10 \$1,000.00 so, you know, if we do 11 have hundreds or even thousands of 12 facilities, it could result in the 13 substantial an increase -- 14 substantial cost to the industry.</p> <p>15 So, again, the criteria that 16 appears to be most relevant is 17 Criteria 5, "avoiding serious 18 prejudice to the public interest". 19 If the Council believes that there is 20 substantial evidence that justifies 21 emergency rulemaking in order to 22 avoid a substantial prejudice to the 23 public interest, then the Council 24 would be justified in making that 25 determination and recommending the</p>
<p>Page 31</p> <p>1 that if the Agency gets bogged down 2 with these requests, that it would 3 slowdown the process and a central 4 concern is that it could potentially 5 slow down or in some cases, they 6 say, stop oil and gas production and 7 result in a negative impact to the 8 State's economy.</p> <p>9 Along the same lines, the 10 requests state that the emergency 11 rule would serve to protect the 12 public interest by helping ensure 13 that Oklahoma continue to attract and 14 retain investments in the oil and gas 15 industry while at the same time 16 protecting public health and welfare.</p> <p>17 OIPA added another statement 18 that the emergency rulemaking could 19 also help avoid what they term as 20 "the injustice of paying additional 21 consulting fees" associated with a 22 less streamlined permitting system.</p> <p>23 One thing that I might add is 24 that the PBR permitting fees are 25 substantially less than the</p>	<p>Page 33</p> <p>1 emergency rule approval by the 2 Environmental Quality Board.</p> <p>3 So with that, I'll turn it 4 back over to the Council.</p> <p>5 MR. THOMAS: Are there any 6 questions or comments by the Council?</p> <p>7 MR. GAMBLE: Rob, if the -- 8 if it wasn't passed as an emergency 9 rule, how long would it take for the 10 rule that we just said -- approved 11 being passed by the Air Quality 12 Board, to go into effect?</p> <p>13 MR. SINGLETARY: Well --</p> <p>14 MR. GAMBLE: I guess I'm 15 wondering what's the time difference 16 between the two?</p> <p>17 MR. SINGLETARY: As soon as 18 -- assuming that the Environmental 19 Quality Board also approves it, then 20 it goes to the Legislature and to 21 the Governor for approval, it 22 wouldn't be effective until July of 23 2014 because we wouldn't have an 24 opportunity to take it to the Board 25 and we have to go through the cycle,</p>

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1 kind of at the beginning of this
2 next rulemaking cycle. So that's
3 when it would be effective. And so
4 it would coincide almost within a
5 couple of weeks of when the emergency
6 rule would expire automatically if
7 the -- even if there wasn't a
8 permanent rule associated with it.

9 MR. GAMBLE: Okay. All
10 right. Thanks.

11 MS. LODDES: David, one other
12 thing to kind of point out for those
13 who aren't as familiar with the rule.
14 As it stands right now, the
15 compliance date for this regulation,
16 is October of this year. And so if
17 we don't have something in place
18 prior to the October compliance date
19 then they're going to have to file
20 for the general permits if they want
21 to basically voluntarily take limits
22 to be out of 0000 or they will be
23 into 0000 and have to do a more
24 significant amount of really
25 recordkeeping. So basically we'll

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1 compliance date to next spring, but
2 it still would be before the July 1,
3 2014 date.

4 MR. CLARK: Rob, the -- so
5 this will bypass the Legislature for
6 this year; is that correct? Or the
7 Legislature will review it next year?

8 MR. SINGLETARY: They would
9 review the permanent -- they would
10 have the opportunity to review the
11 permanent rulemaking. And in
12 addition, at any time during the
13 effectiveness of an emergency rule,
14 the Legislature could, in fact,
15 disapprove it. But, yes, it wouldn't
16 go before the Board and it wouldn't
17 make it to the Governor until after
18 this Legislative session.

19 MR. CLARK: When is the
20 next Board meeting?

21 MR. SINGLETARY: The next
22 Board meeting is scheduled for June.
23 It may or may not be held. It's
24 currently scheduled but there is some
25 -- there's a potential that it could

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1 end up with the same set of
2 emissions because 0000 would put them
3 in the controls they're basically --
4 they're going to voluntarily take to
5 get out of it.

6 And so that's part of the
7 reason industry and everybody is
8 pushing for it to get something
9 through that's a little bit more
10 streamlined in this mechanism,
11 because under the oil and gas general
12 permit, that also makes all of these
13 sources considered synthetic minors
14 and so then they are subject to
15 being classified as a high-priority
16 violation where these are true minor
17 sources because they're under 100
18 tons and under 40 of actual. So
19 they run a risk for penalties and a
20 perception when really these are
21 pretty minor sources. And that's one
22 of the other reasons that they're
23 really trying to get something done
24 before. There is a proposed change
25 to 0000 which does extend the

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1 be cancelled and if that's the case
2 then the next one -- I believe the
3 next one is August.

4 MR. CLARK: How often have
5 we used the emergency rules, this
6 Council, do you know?

7 MR. SINGLETARY: I think --
8 in recent times the last one that I
9 can recall had to do with the
10 Tailoring Rule and that was two years
11 ago, I believe.

12 MS. LODDES: We did that to
13 avoid an EPA FIP.

14 MR. CLARK: Right. I
15 remember that.

16 MS. LODDES: And then did we
17 do an emergency rule with -- I'm
18 trying to remember if we did it for
19 the permit exempt status or for --
20 when we got rid of Subchapter 41. I
21 don't remember --

22 MR. SINGLETARY: I don't
23 believe that -- I don't recall that
24 being --

25 MS. LODDES: The Tailoring

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<p>Sheet 11 Page 38</p> <p>1 Rule is the most recent one I can 2 think of.</p> <p>3 MS. BRADLEY: We did it for 4 the BART rule.</p> <p>5 MS. LODES: That's the other 6 one we did it for.</p> <p>7 MR. CLARK: Back in '07. 8 So we don't use it all that 9 often like some regulatory bodies 10 that -- seem to do.</p> <p>11 MS. LODES: No.</p> <p>12 MR. CLARK: Is the 13 Legislature giving any signals on how 14 they feel about it since it bypasses 15 them for a year? Do they have a 16 problem with that or this specific 17 rulemaking?</p> <p>18 MR. SINGLETARY: Well, in 19 general? Emergency rulemaking in 20 general?</p> <p>21 MR. CLARK: Yeah. Rules 22 that come like this because it seems 23 like in the past few years they've 24 made an effort to be more engaged on 25 rulemakings that come through</p>	<p>Page 40</p> <p>1 hopefully -- I know we've had 2 expressed concern about the emergency 3 rule because we don't do it very 4 often. But, you know, we've been 5 looking at it and I don't think that 6 we see any concerns at this time 7 with it. You haven't heard anything 8 from anybody else, have you?</p> <p>9 MR. SINGLETARY: No. We 10 haven't received any negative 11 comments. Everything that we 12 received both verbally and in writing 13 has been related to wanting the 14 agency to provide the Council with an 15 opportunity to consider it as an 16 emergency rule.</p> <p>17 MS. LODES: Okay.</p> <p>18 MR. THOMAS: Any further 19 questions from the Council? 20 If not, we'll go over to 21 questions from the audience? Debra? 22 Debra, do you have any comments on 23 this section of the rulemaking? 24 (No verbal response) 25 MR. THOMAS: I have no</p>
<p>Page 39</p> <p>1 agencies and down to them. Will 2 this irritate them?</p> <p>3 MR. SINGLETARY: I don't 4 think that it would irritate them. 5 I know that -- I mean, the rules on 6 rulemaking themselves are state rules 7 that have been approved by the 8 Legislature so -- I mean they 9 recognize that in some instances 10 there is, in fact, a need for it. 11 You know, in this specific situation 12 I don't know of anything, that I 13 know, of that would cause any 14 particular concern with the 15 Legislature.</p> <p>16 MS. LODES: And it doesn't 17 bypass any requirement that 18 facilities would be otherwise subject 19 to.</p> <p>20 I mean, and so we don't -- and 21 that's what I started to say, we're 22 not really making it -- we're not 23 getting anybody out of anything other 24 than we're making a streamline 25 permitting mechanism. So I think,</p>	<p>Page 41</p> <p>1 other comments or notices that anyone 2 wants to make a comment on the 3 emergency status of this rule.</p> <p>4 MS. LODES: Thank you. 5 Hearing no further comments from the 6 public or no comments from the 7 public, do we have any further 8 comments or questions from the 9 Council?</p> <p>10 Hearing none, the Agency has 11 asked that we pass the same rule as 12 an emergency rule. Do we have a 13 motion?</p> <p>14 MS. MYERS: I'll make a 15 motion to do that.</p> <p>16 MS. LODES: I have a 17 motion. Do I have a second?</p> <p>18 MR. GAMBLE: Second.</p> <p>19 MS. LODES: I have a motion 20 and a second. Jeanette, will you 21 please call role.</p> <p>22 MS. NANCE: Mr. Butcher. 23 MR. BUTCHER: Yes. 24 MS. NANCE: Mr. Clark. 25 MR. CLARK: Yes.</p>

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<p>Sheet 12 Page 42</p> <p>1 MS. NANCE: Mr. Gamble. 2 MR. GAMBLE: Yes. 3 MS. NANCE: Mr. Haught. 4 MR. HAUGHT: Yes. 5 MS. NANCE: Ms. Myers. 6 MS. MYERS: Yes. 7 MS. NANCE: Ms. Lodes. 8 MS. LODES: Yes. 9 MS. NANCE: Motion passed. 10 (Pause) 11 MR. THOMAS: At this time 12 we will proceed with Agenda Item 13 Number 4C, Appendix E, Primary 14 Ambient Air Quality Standards revoked 15 and Appendix E, Primary Ambient Air 16 Quality Standards, new. Matt Weis 17 will make the staff presentation. 18 MR. WEIS: Madam Chair, 19 Members of the Council, ladies and 20 gentlemen, I'm Matt Weis, 21 Environmental Programs Specialist 22 with the Air Quality Division. 23 The Department is proposing to 24 revoke the current Chapter 100, 25 Appendix E, Primary Ambient Air</p>	<p>Page 44</p> <p>1 As you can see from the 2 graphic on the screen, the typical 3 human hair has a diameter of 50 to 4 70 micrometers. Twenty of the 5 largest PM2.5 particles, just under 6 2.5 micrometers, would be roughly 7 equivalent to the width of a human 8 hair. 9 An extensive body of scientific 10 evidence shows that long and 11 short-term exposure to fine 12 particulate pollution is linked to 13 respiratory ailments such as asthma, 14 cardiovascular disease, and premature 15 death. Research indicates that 16 pregnant women, newborns, and people 17 with certain health conditions, such 18 as obesity and diabetes are more 19 susceptible to PM-related effects. 20 On December 14, 2012 the 21 Environmental Protection Agency 22 revised the Primary Annual Fine 23 Particulate Matter Standard to ensure 24 sufficient protection of human 25 health. The EPA strengthened the</p>
<p>Page 43</p> <p>1 Quality Standards, and adopt a new 2 Appendix E. The Oklahoma Rules on 3 Rulemaking dictate the procedure of 4 revoking the old and creating an 5 entirely new appendix. 6 Changes to Appendix E have been 7 made to reflect the recent revision 8 of Federal National Ambient Air 9 Quality standards for fine 10 particulate matter or PM2.5 that was 11 finalized on December 14, 2012. This 12 update would also include a revision 13 of the footnotes within Appendix E 14 for clarification and consistency. 15 Particulate matter is the term 16 for particles found in the air. 17 This includes dust, dirt, soot, 18 smoke, and liquid droplets. 19 Particulate matter is generally 20 categorized as PM10, consisting of 21 particles with an aerodynamic 22 diameter less than 10 micrometers and 23 PM2.5, consisting of particles with 24 an aerodynamic diameter less than 2.5 25 micrometers.</p>	<p>Page 45</p> <p>1 primary annual PM2.5 standard from 2 15.0 micrograms per cubic meter to 3 12.0 micrograms per cubic meter. The 4 EPA chose to retain the existing 5 24-hour PM2.5 standard of 35 6 micrograms per cubic meter as well as 7 the existing 24-hour PM10 standard of 8 150 micrograms per cubic meter. 9 The Department is proposing an 10 update of Chapter 100, Appendix E, to 11 maintain consistency with these 12 recent changes to the National 13 Ambient Air Quality Standard or 14 NAAQS, for fine particulate matter. 15 With this revision the new federal 16 PM2.5 NAAQS of 12.0 micrograms per 17 cubic meter, will be adopted into the 18 state rules. Additionally, footnotes 19 1, 2, and 3 have been rewritten for 20 clarity and consistency with other 21 footnotes contained in the appendix. 22 The Department currently has 23 four federal reference method PM2.5 24 monitoring locations with three years 25 of data, which is necessary to make</p>

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1 a NAAQS decisions. These are located
2 in Oklahoma City, Edmond, McAlester
3 and Tulsa. Five additional sites are
4 also maintained by the Department,
5 however monitored data from these
6 sites cannot be used in NAAQS
7 decisions as they are non-Federal
8 Reference Method or Federal
9 Equivalence Method, or these sites do
10 not have three years of data. These
11 sites were previously (inaudible)
12 purposes.

13 This graph contains the
14 three-year annual arithmetic mean for
15 the four NAAQS monitoring sites from
16 2007 to 2012. The red dotted line,
17 at 12.0 micrograms per cubic meter,
18 denotes the new federal NAAQS for
19 PM2.5. A decrease in this value was
20 seen at the four monitoring sites for
21 the 2007 to 2009; 2008 to 2010; and
22 2009 to 2011 periods. The value at
23 Oklahoma Christian University in
24 Edmond, and McAlester monitoring
25 sites, increased slightly during the

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1 2010 to 2012 period, while the
2 Oklahoma City and Tulsa monitors
3 continued to decrease during this
4 same period.

5 Again, this proposal will
6 revoke the current Appendix E and
7 create a new Appendix E with the
8 current federal PM 2.5 NAAQS and
9 revised footnotes.

10 Notice of the proposed rule
11 changes was published in the Oklahoma
12 Register on March 15, 2013. The
13 Department received written comment
14 from EPA Region 6 expressing their
15 agreement with the revisions. No
16 other comments have been received as
17 of today.

18 Staff requests the Council
19 recommend this rulemaking to the
20 Environmental Quality Board for
21 permanent adoption.

22 MR. THOMAS: Are there any
23 questions from the Council?

24 MR. CLARK: Matt, can you
25 refresh my memory? It seems like

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1 when they propose this they also
2 discuss some requirements on the
3 roadside monitoring? Is that -- did
4 that go through? Was that -- I
5 can't remember what the status of
6 that was. Can you refresh my
7 memory?

8 MR. WEIS: I believe there
9 was a proposal for additional
10 monitors. I'm not sure the exact
11 dates when those will be implemented.

12 MS. BOTCHLET-SMITH: Our
13 roadside monitor will be in the
14 Oklahoma city area, it should be
15 operational by January of 2014. And
16 we've been doing some HAPS sampling
17 to determine the location for that.
18 We're waiting on those results and
19 should have everything in place,
20 assuming funding remains in place
21 from EPA to get that equipment.
22 Orders for the site setup and
23 everything, then we'll do it by
24 January '14.

25 MR. CLARK: Are we required

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1 to have just one in each state or
2 will we have one in Tulsa as well as
3 Oklahoma City?

4 MS. BOTCHLET-SMITH: They're
5 doing it in phases and I believe
6 down the road we should have one in
7 Tulsa and, again, that's assuming
8 funding holds up to continue to do
9 this. Because they -- we're in
10 Phase Two. Phase One is out there
11 and been gathering some data. I
12 don't know if they have enough data
13 yet to know exactly what the problems
14 may be, if any. And, you know, they
15 could always at some point in time,
16 decide that they're not -- they don't
17 need as many as they originally
18 thought. But we are on track to
19 have one in Oklahoma City in January.

20 MR. CLARK: Do our existing
21 monitors know that qualifies being
22 close enough to the roadside?
23 (Inaudible).

24 MS. BOTCHLET-SMITH: No,
25 they do not.

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<p>Sheet 14 Page 50</p> <p>1 MR. CLARK: They don't know. 2 Is there any early indication that 3 the roadside (inaudible) are 4 appreciably higher than -- 5 MS. BOTCHLET-SMITH: I have 6 not heard of any issues with any of 7 the existing sites, but again they 8 haven't got a lot of data, yet. 9 Scott, have you heard of any? 10 MR. THOMAS: We put it 11 again passive monitors to filter like 12 (inaudible) kind of thing and close 13 to the roadside. We sent those in 14 to the EPA for analysis and we 15 haven't got that back. So we don't 16 know if they'll test it. 17 MS. BOTCHLET-SMITH: I think 18 you need -- 19 MR. THOMAS: (Inaudible) 20 placed in the country. I don't know 21 of any that I -- that I've heard of. 22 MS. BOTCHLET-SMITH: Yeah. 23 MR. THOMAS: I don't know, 24 a lot of the rest of the country is 25 just getting started to try to do --</p>	<p>Page 52</p> <p>1 our money and we've reported back to 2 them and we haven't heard that there 3 is any concern that we would not 4 continue to receive the funding to 5 get our site up and running. 6 MR. CLARK: Thank you. 7 MR. THOMAS: Any further 8 questions or comments from the 9 Council? 10 Any comments from the audience? 11 I have no notice of anyone. 12 MS. LODES: Hearing no 13 questions from the public, do we have 14 any further questions from the 15 Council? 16 The Agency has asked that we 17 revoke the old standards and 18 incorporate the new standards. Do I 19 have a motion? 20 MS. MYERS: I so move. 21 MS. LODES: I have a 22 motion. 23 MR. CLARK: I'll second it. 24 MS. LODES: I have a 25 second. Jeanette, would you please</p>
<p>Page 51</p> <p>1 MS. BOTCHLET-SMITH: Yes. I 2 just don't think we have enough data 3 to know the -- we have three 4 different sites that we're looking 5 at. They're along, what I call the 6 Hefner Parkway, but it's not. It's 7 the I-44 and it goes from, like, 8 where Baptist Hospital is in Oklahoma 9 City -- I'm sorry, I don't have 10 better directions -- on south like to 11 where the airport, there are several 12 locations. Airport Road, there's 13 several locations in that stretch 14 that we have looked at. 15 MR. CLARK: And those are 16 funded only by EPA, not by state 17 funds? 18 MS. BOTCHLET-SMITH: It is 19 strictly an EPA grant. They setup 20 special grants for the NO2 roadside 21 monitoring. And because of 22 sequestration and the cuts, I don't 23 know if this will be effected. At 24 this point in time, they've asked us, 25 you know, where we are on encumbering</p>	<p>Page 53</p> <p>1 call role. 2 MS. NANCE: Mr. Butcher. 3 MR. BUTCHER: Yes. 4 MS. NANCE: Mr. Clark. 5 MR. CLARK: Yes. 6 MS. NANCE: Mr. Gamble. 7 MR. GAMBLE: Yes. 8 MS. NANCE: Mr. Haught. 9 MR. HAUGHT: Yes. 10 MS. NANCE: Ms. Myers. 11 MS. MYERS: Yes. 12 MS. NANCE: Ms. Lodes. 13 MS. LODES: Yes. 14 MS. NANCE: Motion passed. 15 MR. THOMPSON: That 16 concludes the hearing portion of the 17 Agenda. 18 (Proceedings concluded)</p>

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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA)

3) SS:

4 COUNTY OF OKLAHOMA)

5 I, CHRISTY A. MYERS, Certified
6 Shorthand Reporter in and for the
7 State of Oklahoma, do hereby certify
8 that the above proceeding is the
9 truth, the whole truth, and nothing
10 but the truth; that the foregoing
11 proceeding was taken down in
12 shorthand and thereafter transcribed
13 by me; that said proceeding was taken
14 on the 17th day of April, 2013, at
15 Broken Arrow, Oklahoma; and that I am
16 neither attorney for, nor relative of
17 any of said parties, nor otherwise
18 interested in said action.

19 IN WITNESS WHEREOF, I have
20 hereunto set my hand and official
21 seal on this, the 29th day of April,
22 2013.

Christy Myers

23
24 CHRISTY A. MYERS, CSR
25 Certificate No. 00310

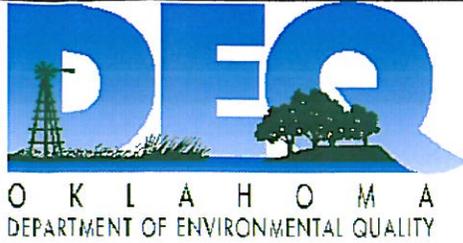


AIR QUALITY COUNCIL
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April 17, 2013
Broken Arrow, Oklahoma

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AIR QUALITY COUNCIL

Attendance Record

April 17, 2013

Broken Arrow, Oklahoma

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