

**MINUTES
AIR QUALITY COUNCIL
OSU – Tulsa Campus
700 North Greenwood Drive
Tulsa, Oklahoma
April 21, 2010**

To EQBoard ~~June 15, 2010~~ August 24, 2010

AQC Approved

~~July 21, 2010~~ October 27, 2010

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. on April 21, 2010, at the Oklahoma State University Tulsa Campus, 700 North Greenwood Drive, 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 December 3, 2010. 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. Laura Lodes, Chair, called the meeting to order. Mr. Terrill introduced new member, David Gamble. Ms. Bruce called roll stating that a quorum was present.

MEMBERS PRESENT

David Branecky
Montelle Clark
David Gamble
Laura Lodes
Jim Haught
Sharon Myers

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Cheryl Bradley
Rob Singletary

DEQ STAFF PRESENT

Diana Hinson
Brooks Kirlin
Nancy Marshment
Dawson Lasseter
Myrna Bruce

MEMBERS ABSENT

Gary Collins
Bob Lynch
Pete White

OTHERS PRESENT

Christy Myers, Court Reporter

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

Approval of Minutes – January 20, 2010 Regular Meeting Ms. Lodes called for a motion for approval. Mr. Branecky moved to approve and Mr. Haught made the second.

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

OAC 252:100-17. Incinerators, Part 4 [NEW] Ms. Diana Hinson, staff representative, advised that the proposal would add a new Part 4, Biomedical Waste Incinerators, to Subchapter 17, Incinerators. The new part will incorporate the control requirements for this type of incinerator originally established under the authority of Subchapter 41, Control of Emission of Hazardous and Toxic Air Contaminants, which was revoked in 2007. The addition of Part 4 would reestablish the Department's authority to require design and emission standards for biomedical waste incinerators and close a regulatory gap in Part 7 of Subchapter 17. Ms. Hinson explained that further consideration is being given in order to make additional clarifications

regarding emission limits and units of measurement. The Department recommended that Council forward to the Environmental Quality Board for permanent adoption. Following discussion, Ms. Lodes called for a motion for approval. Mr. Haught made the motion and Ms. Myers made the second.

Transcript pages 6 - 12

David Branecky	Yes	Jim Haught	Yes
Sharon Myers	Yes	David Gamble	Yes - Abstain
Montelle Clark	Yes	Laura Lodes	Yes

Ozone Season Update -- Mr. Scott Thomas, Environmental Programs Manager, gave a presentation regarding this ozone season. He and Mr. Terrill fielded questions and comments.

Greenhouse Gas Tailoring Rule and Other Permitting News – Mr. Phillip Fielder, Engineering Manager, provided an update. Mr. Terrill and staff fielded questions and comments.

Division Director's Report – Mr. Terrill related that most of his report was covered in the presentations. He did touch on the mercury study and Ms. Botchlet-Smith gave an update on the audit scheduling.

New Business - Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

Adjournment – Ms. Lodes adjourned the meeting adjourned at 11:20 a.m. The next regular meeting is scheduled for Wednesday, July 21, 2010, in Tulsa, Oklahoma.

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 MEETING
HELD ON APRIL 21, 2010, AT 9:00 A.M.
IN TULSA, OKLAHOMA
* * * * *

MYERS REPORTING SERVICE
Christy Myers, CSR
P.O. Box 721532
Oklahoma City, Oklahoma 73172-1532
(405) 721-2882

MEMBERS OF THE COUNCIL
DAVID BRANECKY, MEMBER
LAURA LODES, CHAIR
JIM HAUGHT, VICE-CHAIR
PETE WHITE, MEMBER
SHARON MYERS, MEMBER
MONTELLE CLARK, MEMBER
GARY COLLINS, MEMBER
ROBERT LYNCH, MEMBER
DAVID GAMBLE, MEMBER

DEQ STAFF
MYRNA BRUCE
BEVERLY BOTCHLET-SMITH
EDDIE TERRILL
CHERYL BRADLEY
NANCY MARSHMENT
DIANA HINSON
ROBERT SINGLETARY

PROCEEDING

MS. LODES: Go ahead and call this meeting to order. Myrna will you call role.

MS. BRUCE: David Branecky.

MR. BRANECKY: Here.

MS. BRUCE: Sharon Myers.

MS. MYERS: Here.

MS. BRUCE: Montelle Clark.

MR. CLARK: Here.

MS. BRUCE: Bob Lynch is absent. Jim Haught.

MR. HAUGHT: Here.

MS. BRUCE: David Gamble.

MR. GAMBLE: Here.

MS. BRUCE: Gary Collins is absent. Pete White is absent. Laura Lodes.

MS. LODES: Here.

MS. BRUCE: We have a quorum.

MR. TERRILL: Before we start off with the approval of the minutes, I might mention this is Dave Gamble's first

meeting. He's been nominated by the Governor to fill out the term of Jerry Purkaple. They both work for ConocoPhillips out of -- in Ponca City. So he'll be representing the refining industry. And he came to Ponca City in 1982 to be part of the corporate engineering group and from northern Minnesota so the change in a lot of things were pretty dramatic. But he moved steadily up the organization and held various engineering positions. Then in 2002 they moved him to environmental group -- I know our permitting folks that work with Dave quite a bit, and we feel a little fortunate to have him and think he'll be doing a really good job representing that sector.

He's married with two kids and we're just glad to have you.

MR. GAMBLE: Thank you, I'm glad to be here.

MR. TERRILL: I'll turn it back over to you.

MS. LODES: Good to have you

here.

And next item on the Agenda is the Approval of Minutes from the January 20, 2010 regular meeting. Do we have any comments or discussion on the minutes?

Seeing no comments.

MR. BRANECKY: I move for approval.

MS. LODES: Okay, I have a

motion. Do I have a second?

MR. HAUGHT: I second.

MS. LODES: I have a motion and a

second. Myrna, will you call the roll.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.
MS. BRUCE: Montelle Clark.
MR. CLARK: Yes.
MS. BRUCE: Jim Haught.
MR. HAUGHT: Yes.
MS. BRUCE: David Gamble.
MR. GAMBLE: Abstain.
MS. BRUCE: Laura Lodes.
MS. LODES: Yes.

MS. BRUCE: Motion passed.

MS. BOTCHLET-SMITH: Ready for
the hearing?

MS. LODES: We're ready for the
hearing.

MS. BOTCHLET-SMITH: Good
morning, I'm Beverly Botchlet-Smith. I'm
the Assistant Director of the Air Quality
Division and as such I'll serve as the
Protocol Officer for today's hearing.

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

Notice of the April 21, 2010
hearings was advertised in the Oklahoma
Register for the purpose of receiving
comments pertaining to the proposed OAC
Title 252 Chapter 100 rules, as listed on
the Agenda and will be entered into each
record along with the Oklahoma Register

filing. Notice of Meeting was filed with the Secretary of State on December 3, 2009. 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's very important that you complete the form at the registration table, and you will be called upon at the appropriate time. And audience members, we ask that you please come to the podium for your comments and please state your name prior to making those comments.

At this time we will proceed with what's marked as Agenda Item 4A on the Hearing Agenda. That is OAC 252:100-17 Incinerators, Part 4. The presentation will be made by Ms. Diana Hinson of our staff.

MS. HINSON: Good morning Madam Chairman, Members of the Council, ladies and gentlemen. I'm Diana Hinson, an environmental programs specialist in the Rules and Planning Section of the Air Quality Division at the Department of

Environmental Quality.

The Department is proposing to add a new Part 4, Biomedical Waste Incinerators, to Subchapter 17, Incinerators. The new part will incorporate the control requirements for this type of incineration originally established under Subchapter 41, Control of Emission of Hazardous and Toxic Air Contaminants, which was revoked in 2007.

In addition, the Department has identified regulatory gaps on Subchapter 17, Part 7, Hospital, Medical and Infectious Waste Incinerators when pathological waste, low-level radioactive

waste, and chemotherapeutic waste is incinerated. The addition of Part 4 will reestablish design and emission standards for biomedical waste incinerators and close the regulatory gap in Part 7 of Subchapter

17.

Concerns voiced by the Council in prior meetings have resulted in clarification of the rule regarding emission limits and units of measurement.

Also, upon further investigation, another facility utilizing a biomedical waste incinerator was identified. Both facilities have been notified of the proposal.

Notice of the proposed rule change was published in the Oklahoma Register on March 15, 2010 and comments were requested from members of the public. Comments were received by email on October 20, 2009 from EPA. EPA has also submitted letters of support of the proposal on January 15 and April 16, 2010.

This is the second hearing for the Council to review this proposal. The Department requests that the Council consider voting to send the proposal to the Environmental Quality Board with a recommendation that it be adopted as a permanent rule. Thank you.

MS. BOTCHLET-SMITH: At this time we will take questions and comments from the Council.

MR. BRANECKY: I noticed under Section 17-11, Emission Limits, Number 3,

Carbon Monoxide, it's not underlined. Is that -- was that existing or is that not new or what is it?

MS. HINSON: Everything for Part 4 is new and there were some software self recognizing issues that we have identified and we will make changes.

MR. BRANECKY: Okay, so it should be underlined, it's just all new.

MS. HINSON: Right.

MR. BRANECKY: Thank you.

MS. LODES: Do we have any additional questions from the Council?

MS. BOTCHLET-SMITH: Okay, I haven't received notice of -- I'm sorry, Sharon.

MS. MYERS: Based on the Minutes from the previous meeting, it stated that we're carrying it over in order to make additional clarifications regarding the performance standard. Were those clarifications made or is this exactly the same as we read before?

MS. HINSON: I clarified the units of measurement.

MS. MYERS: Okay. Thank you.

MS. HINSON: You're welcome.

MS. BOTCHLET-SMITH: I hadn't received any notice of anyone from the public was interested in commenting. Is there anyone who's decided to comment at

this time?

Seeing no hands, I would turn it back to the Council for one last opportunity to questions, comments. Seeing none, Laura -

MS. LODES: No other -- no additional comments. The Agency has asked that we approve this rule. Do we have a motion?

MR. HAUGHT: I'm going to make the motion to approve the Part 4 changes as presented today.

MS. MYERS: I'll second it.

MS. LODES: I have a motion and a second. Myrna, will you call the roll.

MS. BRUCE: David Branecky.

MR. BRANECKY: Yes.

MS. BRUCE: Sharon Myers.

MS. MYERS: Yes.

MS. BRUCE: Montelle Clark.

MR. CLARK: Yes.

MS. BRUCE: Jim Haught.

MR. HAUGHT: Yes.

MS. BRUCE: David Gamble.

MR. GAMBLE: Abstain.

MS. BRUCE: Laura Lodes.

MS. LODES: Yes.

MS. BRUCE: Motion passed.

MS. BOTCHLET-SMITH: And with

that, the hearing is concluded -- is concluded for the hearings today.

(Items 1-4 Concluded)
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
meeting is the truth, the whole truth, and
nothing but the truth; that the foregoing
meeting was taken down in shorthand by me
and thereafter transcribed under my
direction; that said meeting was taken on
the 21st day of April, 2010, 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
24th day of April, 2010.

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