

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Permits for Minor Facilities

Part 9. Permits By Rule

252:100-7-60. [AMENDED]

252:100-7-60.5. [NEW]

252:100-7-60.6. [NEW]

Subchapter 13. Open Burning

252:100-13-2. [AMENDED]

252:100-13-5. [AMENDED]

252:100-13-7. [AMENDED]

252:100-13-8. [AMENDED]

252:100-13-9. [AMENDED]

252:100-13-10. [AMENDED]

252:100-13-12. [NEW]

**SUMMARY:**

The Department is proposing to modify OAC 252:100-7, Permits for Minor Facilities, to add new Permit By Rule (PBR) for minor facilities and area sources in the oil and natural gas production segment and the natural gas processing, transmission, and distribution segments of the oil and natural gas sector. The Department is also proposing to update the PBR general requirements and references. The Department is proposing to change the requirements regarding registration under PBRs to make the registration effective upon receipt of the application by the Department of Environmental Quality.

The Department is proposing to amend OAC 252:100-13, Open Burning, to modify the requirements for "air curtain incinerators" or "ACIs" (also known as "air curtain destructors" and "open-pit incinerators"). Air curtain destructors are combustion units that operate by forcefully projecting a curtain of air across an open, integrated combustion chamber (firebox) or open pit or trench in which the combustion occurs. The proposed rulemaking would primarily affect the owners and operators of air curtain destructors that are used on a temporary basis to burn trees, brush, and similar materials from land clearing, public health, safety, and disaster response activities. The affected entities include private as well as state, county, and municipal governmental entities. The Department is proposing changes to add flexibility in the operation of these units, including an extension of the allowed hours of operation. The existing rule requires land clearing operations in current and former nonattainment areas (Tulsa and Oklahoma Counties) to use ACIs. The proposal would expand this requirement to all counties in the Oklahoma City and Tulsa Metropolitan Statistical Areas (MSAs), and would prohibit open burning in areas under an Ozone or PM Watch. Additionally, the Department proposes to modify the rule to allow, under certain conditions, the transport of materials from the site where they are generated to the site where they would be burned.

**AUTHORITY:**

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules

is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Section 2-5-105 for Subchapters 7 and 13; 27A O.S. Section 2-5-106.1 for Subchapter 13; and 27A O.S. Section 2-5-112 and -114 for Subchapter 7.

**COMMENT PERIOD:**

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 16, 2013. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 16, 2013 hearing and at the February 22, 2013 Environmental Quality Board meeting.

**PUBLIC HEARINGS:**

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 16, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Also, a public hearing is scheduled before the Environmental Quality Board at 9:30 a.m. on Friday, February 22, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm). Copies also may be obtained from the Department by calling the contact person listed below.

**RULE IMPACT STATEMENTS:**

The rule impact statements will be available on and after December 17, 2012 on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm). Copies also may be obtained from the Department by calling the contact person listed below.

**CONTACT PERSON:**

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at [cheryl.bradley@deq.ok.gov](mailto:cheryl.bradley@deq.ok.gov). Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

**PERSONS WITH DISABILITIES:**

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4216. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.