

**MINUTES**  
**AIR QUALITY ADVISORY COUNCIL**  
**November 14, 2012**  
**Department of Environmental Quality**  
**Multipurpose Room**  
**Oklahoma City, Oklahoma**

Official after AQAC Approval<sup>ed</sup>  
at January 16, 2013 meeting

**Notice of Public Meeting** – The Air Quality Advisory Council convened for its regular meeting at 9:00 a.m. on November 14, 2012, in the Multipurpose Room of the Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. Notice of the meeting was forwarded to the office of Secretary of State on November 23, 2011 and amended on October 17, 2012. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Ms. Beverly Botchlet-Smith, Assistant Director, Air Quality Division, acted as Protocol Officer and convened the hearings by the Air Quality Advisory Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101-2-5-118. She 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  
Laura Lodes  
Sharon Myers

**MEMBERS ABSENT**

Gary Collins  
Jim Haught  
Robert Lynch

**DEQ STAFF PRESENT**

Eddie Terrill  
Beverly Botchlet-Smith  
Cheryl Bradley  
Brooks Kirilin  
Rob Singletary  
Madison Miller  
Laura Finley  
Jennifer Boyle  
Rhonda Jeffries  
Rick Groshong

**DEQ STAFF PRESENT**

Kendal Stegmann  
John Howell  
Sean Walker  
Braxton Edwards  
Phil Martin  
Joyce Sheedy  
Nancy Marshment  
Diana Hinson  
Dawson Lasseter  
Phillip Fielder  
Leon Ashford  
Jeanette Nance

**OTHERS PRESENT**

Christy Myers, Court Reporter

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

**Approval of Minutes** – Ms. Lodes called for a motion to approve the Minutes of the July 18, 2012 Regular Meeting. Mr. Gamble made the motion to approve and Ms. Myers made the second.

	<i>See transcript pages 4 - 5</i>		
Gerald Butcher	Yes	Sharon Myers	Yes
Montelle Clark	Yes	Laura Lodes	Yes
David Gamble	Yes		

**Meeting Schedule for Calendar Year 2013** – Ms. Lodes called for a motion to approve the 2013 proposed meeting scheduled dates: January 16 in Oklahoma City, April 17 in Tulsa, July

17 in Oklahoma City and October 16 in Oklahoma City. Mr. Butcher made a motion and Mr. Gamble made the second.

	<i>See transcript pages 5 - 6</i>		
Gerald Butcher	Yes	Sharon Myers	Yes
Montelle Clark	Yes	Laura Lodes	Yes
David Gamble	Yes		

**OAC 252:100-25 Visible Emissions and Particulates [AMENDED]**

**OAC 252:100-31 Control of Emission of Sulfur Compounds [AMENDED]**

Mr. Brooks Kirlin, Engineer of the Air Quality Division, stated the Department is revisiting a proposal from the July 18, 2012 Council meeting. The proposal is to amend the requirements of Subchapter 25, Visible Emissions and Particulates and Subchapter 31, Control of Emission of Sulfur Compounds to move an existing continuous opacity monitoring requirement. Following discussion by the Council and no comments by the public, Ms. Lodes called for a motion to pass the rule. Ms. Myers made a motion and Mr. Gamble made the second.

	<i>See transcript pages 8 - 25</i>		
Gerald Butcher	Yes	Sharon Myers	Yes
Montelle Clark	Yes	Laura Lodes	Yes
David Gamble	Yes		

**OAC 252:100-2 Incorporation by Reference [AMENDED]**

**Appendix Q. Incorporation by Reference [REVOKED]**

**Appendix Q. Incorporation by Reference [NEW]**

Ms. Nancy Marshment, Environmental Programs Specialist of the Air Quality Division, mentioned the Department is proposing to update language in Subchapter 2, Incorporation by Reference to reflect the new date of incorporation of EPA regulations in Appendix Q. In addition, the Department is proposing to revoke the current Chapter 100, Appendix Q, Incorporation by Reference, and adopt a new Appendix Q. This proposal is part of the annual update of Title 40 CFR Part 60, Incorporation by Reference in Chapter 100. Included are changes and additions, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). Hearing no discussion by the Council or the public; Ms. Lodes called for a motion to pass the rule. Ms. Myers moved to approve and Mr. Gamble made the second.

	<i>See transcript pages 25 - 32</i>		
Gerald Butcher	Yes	Sharon Myers	Yes
Montelle Clark	Yes	Laura Lodes	Yes
David Gamble	Yes		

**OAC 252:100-13 Open Burning [AMENDED]**

Mr. Leon Ashford, Environmental Programs Specialist of the Air Quality Division, gave an update on the proposed rule. The Department is proposing to amend Subchapter 13, Open Burning, to clarify the requirements for air curtain incinerators. The Department is proposing changes to add flexibility in the operation of these units, including an extension of the allowed hours of operation. 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. This rule is being proposed as both Emergency and Permanent Rule. Following questions and comments by the Council, the staff requests the Council carry the

rulemaking over to the next meeting to allow more opportunity for public comment. Hearing no comments; Ms. Myers made a motion and Mr. Clark made the second.

*See transcript pages 32 – 52*

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

**Ms. Botchlet-Smith concluded the hearing portion of the meeting.**

*See transcript page 52*

**Presentation** – Phil Martin, Engineering Manager of the Air Quality Division, gave a presentation on Permit by Rule (PBR) for Minor Oil and Natural Gas Facilities.

**Division Director's Report** – Mr. Eddie Terrill, Air Quality Division Director, provided an update on other Division activities.

**New Business** – None

**Adjournment** – Ms. Lodes adjourned the meeting.

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

# Myers Reporting

Sheet 1 Page 1

\* \* \* \* \*  
TRANSCRIPT OF PROCEEDINGS  
OF THE AIR QUALITY COUNCIL MEETING  
NOVEMBER 14, 2012, AT 9:00 A.M.  
HELD IN OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

# Myers Reporting

Sheet 2 Page 2

MEMBERS OF THE COUNCIL

GERALD BUTCHER  
MONTELLE CLARK  
GARY COLLINS  
JIM HAUGHT  
LAURA LODES  
ROBERT LYNCH  
SHARON MYERS  
DAVID GAMBLE

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1 PROCEEDINGS  
2 MS. LODES: Okay. We're  
3 going to go ahead and call the  
4 meeting to order today.  
5 Jeanette, will you please call  
6 roll.  
7 MS. NANCE: Mr. Butcher.  
8 MR. BUTCHER: Here.  
9 MS. NANCE: Mr. Clark.  
10 MR. CLARK: Here.  
11 MS. NANCE: Mr. Collins is  
12 absent.  
13 Mr. Gamble.  
14 MR. GAMBLE: Here.  
15 MS. NANCE: Mr. Haught.  
16 MS. LODES: He is absent at  
17 the moment.  
18 MS. NANCE: Mr. Lynch is  
19 absent.  
20 Ms. Myers.  
21 MS. MYERS: Here.  
22 MS. NANCE: Ms. Lodes.  
23 MS. LODES: Here.  
24 MS. NANCE: We have a  
25 quorum.

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1 MS. LODES: Thank you. The  
2 next item on today's Agenda is the  
3 approval of the Minutes from the July  
4 18, 2012 regular meeting. Were there  
5 any comments or questions regarding  
6 the Minutes included?  
7 Seeing no comments or  
8 questions, do we have a motion to  
9 approve the Minutes?  
10 MR. GAMBLE: I make a  
11 motion the Minutes be approved.  
12 MS. LODES: I have a  
13 motion. Do I have a second?  
14 MS. MYERS: I'll second.  
15 MS. LODES: I have a motion  
16 and a second. Jeanette, will you  
17 please call roll.  
18 MS. NANCE: Mr. Butcher.  
19 MR. BUTCHER: Yes.  
20 MS. NANCE: Mr. Clark.  
21 MR. CLARK: Yes.  
22 MS. NANCE: Mr. Gamble.  
23 MR. GAMBLE: Yes.  
24 MS. NANCE: Ms. Myers.  
25 MS. MYERS: Yes.

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1 MS. NANCE: Ms. Lodes.  
2 MS. LODES: Yes.  
3 MS. NANCE: Motion passed.  
4 MS. LODES: The next item  
5 on today's Agenda is the meeting  
6 scheduled for calendar year 2013.  
7 The proposed dates are January 16th  
8 in Oklahoma City; April 17th in  
9 Tulsa; July 17th in Oklahoma City;  
10 and October 16th in Oklahoma City.  
11 Do we have any questions or  
12 suggestions or thoughts on the  
13 meetings?  
14 Hearing no comments or  
15 questions, do we have a motion to  
16 approve the meeting schedule for the  
17 calendar year 2013?  
18 MR. BUTCHER: I'll make that  
19 motion.  
20 MS. LODES: I have a  
21 motion. Do I have a second?  
22 MR. GAMBLE: Second.  
23 MS. LODES: I have a motion  
24 and a second.  
25 Jeanette, will you please call

# Myers Reporting

Sheet 3 Page 6

1 roll.

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: Ms. Myers.

9 MS. MYERS: Yes.

10 MS. NANCE: Ms. Lodes.

11 MS. LODES: Yes.

12 MS. NANCE: Motion passed.

13 MS. BOTCHLET-SMITH: Good

14 morning. I'm Beverly Botchlet-Smith.

15 I'm the Assistant Director of the Air

16 Quality Division and as such I'll

17 serve as the Protocol Officer for

18 today's hearings.

19 The hearings will be convened

20 by the Air Quality Council in

21 compliance with the Oklahoma

22 Administrative Procedures Act in

23 Title 40 of the Code of Federal

24 Regulations, Part 51, as well as the

25 authority of Title 27A of the

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1 Oklahoma Statutes, Section 2-2-201,

2 Sections 2-5-101 through 2-5-118.

3 Notice of the November 14, 2012

4 hearings were advertised in the

5 Oklahoma Register for the purpose of

6 receiving comments pertaining to the

7 proposed OAC Title 252 Chapter 100

8 rules as listed on the Agenda and

9 will be entered into each record

10 along with the Oklahoma Register

11 filing.

12 Notice of the Meeting was filed

13 with the Secretary of State on

14 October 17, 2012. The Agenda was

15 duly posted 24 hours prior to the

16 meeting here at this facility, the

17 DEQ.

18 If you wish to make a

19 statement, it is very important to

20 complete the form at the registration

21 table and then you will be called

22 upon at the appropriate time for your

23 comments. Audience members, please

24 come to the podium to make your

25 comments and please state your name

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1 prior to speaking.

2 At this time we'll proceed with

3 what is marked as Agenda Item Number

4 5A on the Hearing Agenda. That is

5 OAC 252:100-25 Visible Emissions and

6 Particulates, and OAC 252:100-31

7 Control of Emissions of Sulfur

8 Compounds.

9 Mr. Brooks Kirilin will give the

10 staff presentation.

11 MR. KIRLIN: Madam Chairman,

12 Members of the Council, ladies and

13 gentlemen. I am Brooks Kirilin, I'm

14 an engineer with the Rules and

15 Planning Section.

16 The Department is bringing back

17 a proposal from the July Council

18 meeting to amend the requirements of

19 Subchapter 25, Visible Emissions and

20 Particulates and Subchapter 31,

21 Control of Emissions of Sulfur

22 Compounds to move an existing

23 continuous opacity monitoring

24 requirement. The proposal was made

25 in response to a previous suggestion

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1 by Council Members, and is not

2 intended to add any additional

3 requirements for facilities subject

4 to either subchapter, or to be a

5 comprehensive review of Subchapter

6 25.

7 You may recall that during our

8 discussions on changes to Subchapter

9 31, Council Members and others

10 questioned why an opacity monitoring

11 requirement was included in the

12 sulfur chapter -- subchapter. I have

13 not found any record of a specific

14 reason for including the requirement

15 in the original sulfur rule. I

16 suspect that monitoring visible

17 emissions was intended as another way

18 of tracking variability of sulfur

19 content in solid and liquid fuels.

20 Our staff agrees that under Chapter

21 100's current structure, the

22 requirement best fits in Subchapter

23 25. This is the second time for the

24 Council to consider these proposed

25 amendments to Subchapters 25 and 31.

# Myers Reporting

<p>Sheet 4 Page 10</p> <p>1 The Subchapter 31 opacity 2 monitoring requirement applies to any 3 fuel-burning equipment built or 4 modified after July 1, 1972, with 5 designed heat input value of 250 6 million BTUs per hour or more. The 7 requirement does not apply if only 8 gaseous fuel is burned. The only 9 proposed change to Subchapter 31 is 10 to remove the opacity monitoring 11 language from Section 31-25, and to 12 adjust the numbering and paragraph 13 headings accordingly.</p> <p>14 Inserting the requirement into 15 Subchapter 25 was a little more 16 involved. The existing Section 25-5, 17 continuous emission monitoring for 18 opacity, applies to fluid bed 19 catalytic cracking unit catalyst 20 regenerators at petroleum refineries 21 and fossil fuel-fired steam 22 generators. The section does not 23 specify a size or construction date 24 limitation for applicability, but 25 does tie the sources to Appendix P</p>	<p>Page 12</p> <p>1 may be approved on a case-by-case 2 basis, and the sentence itself is 3 prefaced with the example -- or 4 prefaced with, "for example". Some 5 may misinterpret this as authorizing 6 those alternative monitoring 7 requirements without further 8 evaluation.</p> <p>9 Again, today's proposal is 10 intended to move an existing opacity 11 monitoring requirement from the 12 sulfur emissions subchapter to the 13 subchapter that deals with visible 14 emissions and particulates. It is 15 not intended to add any requirements 16 for facilities subject to either 17 subchapter.</p> <p>18 Notice of the proposed rule 19 changes was published in the Oklahoma 20 Register on September 17, 2012. We 21 received one comment during the 22 comment period, a letter of support 23 from EPA. We received written 24 comments from three entities prior to 25 and during the July Council meeting.</p>
<p>Page 11</p> <p>1 of 40 CFR Part 51, and exempts 2 sources that are subject to NSPS, or 3 New Source Performance Standards, 4 under 40 CFR Part 60.</p> <p>5 We have restructured the 6 section a bit to accommodate the 7 change, and to align the language 8 with last year's changes to similar 9 sections in Subchapter 31. We have 10 proposed to newly apply the exemption 11 for NSPS sources to the fuel-burning 12 equipment and we propose to remove 13 existing provision (c)(2) that no 14 longer applies. We also propose to 15 remove some non-regulatory example 16 language from existing paragraph (d), 17 in what would now be numbered 18 25-5(c).</p> <p>19 The deleted language outlines a 20 specific example of alternative 21 monitoring requirements for a 22 particular type of facility. 23 Although the example is immediately 24 preceded by a statement that 25 alternative monitoring requirements</p>	<p>Page 13</p> <p>1 A technical correction to the 2 proposal from EPA, and comments from 3 Mr. William Hildeson of American 4 Electric Power or AEP, and from Mr. 5 James R. Barnett of Environmental 6 Federation of Oklahoma, EFO. You may 7 also recall that during the Council 8 meeting, oral comments were provided 9 by Mr. Hildeson for AEP and Mr. 10 Derek Kinard for EFO. A copy of the 11 written comments are provided in 12 today's folder and a copy of the 13 summary of comments and responses was 14 included in your packet.</p> <p>15 Staff has made the correction 16 requested by EPA. Both AEP and EFO 17 recommended adding a definition of 18 "gaseous fuel" and suggested using a 19 definition found in the NESHAP for 20 Industrial, Commercial, and 21 Institutional Boilers and Process 22 Heaters, which is 40 CFR Part 63, 23 Subpart DDDDD. As we stated in the 24 response to comments document, staff 25 does not believe that this is the</p>

# Myers Reporting

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1 appropriate location to define such a  
2 commonly-used term. Staff is not  
3 aware of any current confusion over  
4 the use of the term "gaseous fuel"  
5 that would be created by moving this  
6 long-standing opacity monitoring  
7 requirement from Subchapter 31 to  
8 Subchapter 25. The structure and  
9 content of the particular definition  
10 suggested in this case, the NESHAP  
11 definition, would only clarify that  
12 "Blast furnace gas" is exempted from  
13 this definition. Staff does not  
14 believe that tying "gaseous fuel" to  
15 either this or another particular  
16 federal definition is helpful or  
17 necessary at this time.

18 Note that Part 63, Subpart  
19 DDDDD was added to Appendix Q last  
20 year.

21 Both AEP and EFO recommended  
22 expanding the NSPS exemption beyond  
23 the proposed language to any emission  
24 source subject to any standard  
25 promulgated under section 111 of the

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1 Clean Air Act -- the Federal Clean  
2 Air Act. Although we are not sure  
3 of any benefits or consequences of  
4 expanding the proposed exemption  
5 language beyond NSPS specifically,  
6 the staff would recommend the  
7 language as we proposed it, which,  
8 except for the introductory phrase,  
9 is identical to paragraph 1.2.1 of 40  
10 CFR Part 51, Appendix P.

11 Both AEP and EFO recommended  
12 changes to allow an exemption for  
13 facilities that opt to continuously  
14 monitor particulate matter as an  
15 alternative to opacity monitoring.  
16 For instance, facilities subject to  
17 the Mercury and Air Toxics Standard  
18 that choose that option under NSPS D  
19 or D(a). However, staff has not  
20 been made aware of any such  
21 facilities that would not be subject  
22 to an NSPS already and therefore be  
23 exempt. EFO did express a concern  
24 about becoming subject to the opacity  
25 limit under Section 25-3 because they

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1 opted for the -- for a PM CEMS.  
2 However, that question would be  
3 beyond the scope of this rulemaking  
4 because Section 25-3 is not open for  
5 amendment at this time.

6 AEP objected to removing the  
7 alternative monitoring example I  
8 mentioned for gas-fired facilities  
9 that use fuel oil as an emergency  
10 back-up. AEP indicated that the cost  
11 associated with COMS, continuous  
12 monitoring, makes it unreasonable,  
13 but the quoted term "extreme economic  
14 reasons" threshold for alternative  
15 monitoring is too high for these  
16 limited-oil-use facilities.  
17 Therefore, they request the example  
18 language be retained, and also add  
19 exemption language for defining  
20 limited-oil-use facilities. The  
21 existing paragraph allows  
22 case-by-case approval of alternative  
23 monitoring if continuous monitoring  
24 cannot be implemented by a source due  
25 to physical limitations or extreme

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1 economic reasons. These phrases  
2 parallel exemption language provided  
3 in 40 CFR Part 51, Appendix P.

4 Staff proposes to retain this  
5 language. Staff also proposes to  
6 remove the example language because  
7 it would -- could be misinterpreted  
8 as authorizing those alternative  
9 monitoring requirements without  
10 further evaluation. AEP's comments  
11 in a sense, reinforced staff's  
12 concerns. Nothing would preclude the  
13 Director from approving such  
14 alternative requirements if  
15 appropriate, but such an example  
16 would best be included in a fact  
17 sheet or guidance document.

18 Note that staff is not aware  
19 of a case where a facility has  
20 requested that this provision be  
21 included in a permit.

22 Staff believes that the Agency  
23 proposal as proposed would be  
24 appropriate.

25 Staff asks that the Council

# Myers Reporting

Sheet 6 Page 18

1 recommend the proposed rules to the  
2 Environmental Quality Board for  
3 approval as permanent rule changes.  
4 Thank you.  
5 MS. BOTCHLET-SMITH: Thank  
6 you. At this time we can take  
7 questions and comments from the  
8 Council.  
9 MS. LODES: I have one  
10 question on this. To clarify because  
11 in kind of along the lines of EFO's  
12 comments, the exemption in Subchapter  
13 25 says, (inaudible) such emission  
14 sources that are subject to a new  
15 source performance standard  
16 promulgated under 40 CFR Part 60, is  
17 that only an NSPS that specifically  
18 addresses opacity or would it be an  
19 NSPS that addresses any pollutant?  
20 MR. KIRLIN: That's not the  
21 language that its -- as it's stated.  
22 That's the -- like I said the -- I  
23 mean, it doesn't actually -- Section  
24 25-5 doesn't limit it to just NSPS  
25 to address opacity.

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1 MS. LODES: Okay. Well,  
2 that's the way I interpreted it. So  
3 really -- and I know EFO had the  
4 comment about if you're exercising  
5 the opacity exemption because you're  
6 monitoring for particulate matter,  
7 you're still subject to an NSPS, so  
8 to me this still applies.  
9 MR. KIRLIN: Right. Well,  
10 I mean, they may have questioned 25-3  
11 where there's actually a limit, you  
12 know, not the section that's not open  
13 today. I think it does specifically  
14 mention opacity and I think that's  
15 part of the concern.  
16 MS. LODES: Okay. What was  
17 your --  
18 MR. BUTCHER: My question is  
19 -- and I'm new to the Board but I am  
20 curious. Explain to me these  
21 comments that were not of an  
22 incorporation, like the one about  
23 particulate monitoring. (Inaudible).  
24 If those are not addressed today, do  
25 you keep those on file and bring

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1 them up later when that rule is  
2 reopened?  
3 MR. KIRLIN: Relating to  
4 like 25-3?  
5 MR. BUTCHER: That or just  
6 -- whatever it would take to allow  
7 the particulate monitor to replace  
8 the opacity monitor. Would that be  
9 brought up later --  
10 MR. KIRLIN: Well, I think  
11 that --  
12 MR. BUTCHER: --  
13 (inaudible).  
14 MR. KIRLIN: -- I guess  
15 what we're -- what our understanding  
16 is if they're choosing an option  
17 under NSPS to monitor particulate  
18 matter instead of opacity, that  
19 facility would then be -- I mean,  
20 they would be choosing that under an  
21 NSPS that they're already subject to,  
22 so the sections wouldn't -- so the  
23 -- that would be allowed. I mean,  
24 in other words, that -- because  
25 they're subject to an NSPS they would

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1 be exempt from that opacity  
2 monitoring requirement.  
3 MR. BUTCHER: Okay.  
4 MS. LODES: Yeah. Because  
5 that's what this says for 25-3, unit  
6 subject to an opacity limit  
7 promulgated under Section 111 of the  
8 Federal Clean Air Act are exempt from  
9 the section. So you would be  
10 subject to an opacity limit under an  
11 NSPS, so you're exempt even if you're  
12 using PM as a surrogate for opacity.  
13 That's the way I would interpret  
14 that, is that -- put Rob over there  
15 on the spot. He's not listening to  
16 me.  
17 MR. SINGLETARY: Could you  
18 repeat the question?  
19 I thought Mr. Butcher's  
20 questions was more in regard to if a  
21 comment was brought up during this  
22 rulemaking but it didn't apply,  
23 whether or not that comment would be  
24 revisited if the applicable rule was  
25 opened up. Is that what --

# Myers Reporting

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1 MR. BUTCHER: That -- that  
2 was my question and --  
3 MS. LODES: Right.  
4 MR. BUTCHER: -- Brooks and  
5 Laura both referred it back to 25-3.  
6 MS. LODES: Yes. 25-3,  
7 which is the part they're commenting  
8 on that's not open, is unit -- unit  
9 subject to an opacity limit  
10 promulgated under Section 111,  
11 Federal Clean Air Act, are exempt  
12 from the section. So if you're  
13 subject to an opacity limit under  
14 Section 111, but you're opting to use  
15 PM as a surrogate for opacity, you  
16 would still be exempt from this  
17 Section 25-3; correct? I know that's  
18 what a lot of the comments here  
19 center around is if you're using PM  
20 as a surrogate for opacity.  
21 MS. MYERS: Wouldn't that  
22 fall into your case-by-case  
23 alternative monitoring?  
24 MS. LODES: I would think  
25 so. I would think -- it just says

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1 if you're subject to the standard  
2 you're exempt. So to me you're  
3 subject to exempt.  
4 MS. MYERS: Right. But it  
5 also has in there that you have a  
6 case-by-case -- case-by-case approval  
7 for alternative monitoring.  
8 MS. LODES: Correct. So I  
9 think that would address the concerns  
10 presented here by EFO and AEP. Is  
11 that the intent there?  
12 MR. KIRLIN: Well, the  
13 changes, I believe, to 25-5 would --  
14 which is for the -- actually --  
15 MS. LODES: Right.  
16 MR. KIRLIN: -- the  
17 requirement for continuous  
18 monitoring. I think we're covered.  
19 We might need to (inaudible) or  
20 something other than that for  
21 interpretation. If we were open --  
22 if we did open 25-3 that would be --  
23 we would definitely want to make sure  
24 that we -- researched that, you know,  
25 carefully to make sure that that's

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1 what we intended. If it's a  
2 difference in language.  
3 MS. LODES: Okay. Thank  
4 you.  
5 MS. BOTCHLET-SMITH: Do we  
6 have any other questions from the  
7 Council?  
8 I haven't received notice that  
9 anyone in the public wished to  
10 comment on this rule today. Is  
11 there -- by show of hand, is there  
12 someone who has changed their mind  
13 and wishes to do that?  
14 Okay. Seeing none, Laura.  
15 MS. LODES: Are there any  
16 other questions from the Council?  
17 Staff has recommended that we pass  
18 this. Do we have a motion?  
19 MS. MYERS: I can make a  
20 motion that we pass this.  
21 MS. LODES: Thank you,  
22 Sharon. Do I have a second?  
23 MR. GAMBLE: Second.  
24 MS. LODES: Thank you. I  
25 have a motion and a second.

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1 Jeanette, will you please call roll.  
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: Ms. Myers.  
9 MS. MYERS: Yes.  
10 MS. NANCE: Ms. Lodes.  
11 MS. LODES: Yes.  
12 MS. NANCE: Motion passed.  
13 MS. BOTCHLET-SMITH: The  
14 next item on today's Agenda is Number  
15 5B. This is OAC 252:100-2,  
16 Incorporation by Reference and  
17 Appendix Q, Incorporation by  
18 Reference and Ms. Nancy Marshment  
19 will give the staff presentation.  
20 MS. MARSHMENT: Madam  
21 Chair, Members of the Council,  
22 ladies and gentlemen, I am Nancy  
23 Marshment, Environmental Programs  
24 Specialist with the Air Quality  
25 Division. The Department is

# Myers Reporting

<p>Sheet 8 Page 26</p> <p>1 proposing to update language in 2 Subchapter 2, Incorporation by 3 Reference, to reflect the new date of 4 incorporation for Appendix Q In 5 addition, the Department is proposing 6 to revoke the current Chapter 100, 7 Appendix Q, Incorporation by 8 Reference, and adopt a new Appendix Q 9 This proposal is part of the annual 10 update of Title 40, Code of Federal 11 Regulations, Incorporations by 12 Reference in Chapter 100. The 13 Oklahoma Rules on Rulemaking dictate 14 the procedure of revoking the old and 15 creating an entirely new appendix. 16 Today's proposal is a revision 17 of the July proposal to the Council. 18 Several additions and changes were 19 made since that time. Changes to 20 Appendix Q have been updated to 21 reflect federal regulations that have 22 been implemented as of September 13, 23 2012. The update would also 24 incorporate any amendments to 25 standards currently listed in</p>	<p>Page 28</p> <p>1 and Structural Clay Products 2 Manufacturing. 40 CFR Part 63, 3 Subpart KKKKK, National Emission 4 Standards for Hazardous Air 5 Pollutants for Clay Ceramics 6 Manufacturing. 40 CFR Part 63, 7 Subpart UUUUU, National Emission 8 Standards for Hazardous Air 9 Pollutants, Coal and Oil-fired 10 Electric Utility Steam Generating 11 Units and 40 CFR Part 63, Subpart 12 HHHHHHH, National Emission Standards 13 for Hazardous Air Pollutants for 14 Polyvinyl Chloride and Copolymers 15 Production. 16 I feel like I should ask for 17 the envelope, please, like at the 18 Academy Awards. But no. 19 The titles for the following 20 subparts are proposed to be amended 21 to be consistent with changes to the 22 Code of Federal Regulations. 40 CFR 23 Part 60, Subpart D, Standards of 24 Performance for fossil-fuel-fired 25 steam generators for which</p>
<p>Page 27</p> <p>1 Appendix Q 2 To make it easier to track the 3 changes, your packet includes a sheet 4 that shows only the changes and 5 additions to the appendix. That list 6 is also available on the handout 7 table. 8 The specific changes and 9 additions are as follows. Several 40 10 CFR rules are being proposed for 11 incorporation by reference in 12 Appendix Q, including Appendix P to 13 Part 51, Minimum Emission Monitoring 14 Requirements. 40 CFR Part 60, 15 Subpart OOOO, Standards of 16 Performance for Crude Oil and Natural 17 Gas Production, Transmission and 18 Distribution. 19 40 CFR Part 63, Subpart DDDD, 20 National Emission Standards for 21 Hazardous Air Pollutants, Plywood and 22 Composite Wood Products. 23 40 CFR Part 63, Subpart JJJJJ, 24 National Emission Standards for 25 Hazardous Air Pollutants for Brick</p>	<p>Page 29</p> <p>1 construction is commenced after 2 August 17, 1971. 40 CFR Part 60, 3 Subpart D(a), Standards of 4 Performance for Electric Utility 5 Steam Generating Units for which 6 construction is commenced After 7 September 18, 1978. 40 CFR Part 60, 8 Subpart KKK, Standards of Performance 9 for equipment leaks of VOC from 10 onshore natural gas processing plants 11 and 40 CFR Part 60, Subpart LLL, 12 Standards of Performance for onshore 13 natural gas processing SO2 emissions. 14 And again the way that those 15 have been corrected is shown on your 16 change sheet. 17 Finally, one IBR is being 18 removed from the list in Appendix Q 19 40 CFR Part 60, Subpart FFFF, 20 emission guidelines and compliance 21 times for other solid waste 22 incineration units that commenced 23 construction on or before December 9, 24 2004. This subpart is an emission 25 guideline that had been incorporated</p>

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1 by reference by mistake several years  
2 ago. Federal emission guidelines  
3 affect existing sources and are made  
4 enforceable through a state specific  
5 111(d) plan, so staff believes it is  
6 not correct to incorporate them by  
7 reference.

8 Notice was published in the  
9 Oklahoma Register on September 17,  
10 2012 for these proposed changes. The  
11 notice requested written comments  
12 from the public and other interested  
13 parties. No comments have been  
14 received as of today.

15 Staff requests the Council  
16 recommend this rulemaking to the  
17 Environmental Quality Board for  
18 permanent adoption. Thank you.

19 MS. BOTCHLET-SMITH: Do we  
20 have any questions from the Council  
21 for Ms. Marshment. I also have not  
22 received notice from anyone from the  
23 public that wanted to comment on this  
24 rule. Has anyone changed their mind  
25 and want to comment at this time?

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1 Seeing none, if there are not  
2 questions from the Council, Laura.

3 MS. LODES: Staff has  
4 recommended that we pass this  
5 incorporation by reference  
6 (inaudible).

7 MS. MYERS: It is so moved.  
8 MS. LODES: Okay. Sharon.  
9 Do I have a second?

10 MR. GAMBLE: Second.  
11 MS. LODES: I have a motion  
12 and a second. Jeanette, please call  
13 roll.

14 MS. NANCE: Mr. Butcher.  
15 MR. BUTCHER: Yes.  
16 MS. NANCE: Mr. Clark.  
17 MR. CLARK: Yes.  
18 MS. NANCE: Mr. Gamble.  
19 MR. GAMBLE: Yes.  
20 MS. NANCE: Ms. Myers.  
21 MS. MYERS: Yes.  
22 MS. NANCE: Ms. Lodes.  
23 MS. LODES: Yes.  
24 MS. NANCE: Motion passed.  
25 MS. BOTCHLET-SMITH: The

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1 next item on the Agenda is Number  
2 5C, OAC 252:100-13, Open Burning.  
3 And Mr. Leon Ashford will give the  
4 staff presentation. I think we're  
5 trying to get setup for an actual  
6 PowerPoint so you might -- Leon, do  
7 you need us to move for that?

8 MR. ASHFORD: Not until a  
9 little bit later.

10 MS. BOTCHLET-SMITH: Okay.  
11 MR. ASHFORD: Madam Chair,  
12 Members of the Council, members of  
13 the public, the Department is  
14 proposing to amend OAC 252:100-13,  
15 Open Burning, to clarify requirements  
16 for and encourage the use of air  
17 curtain incinerators, also known as  
18 air curtain destructors and open-pit  
19 incinerators.

20 The proposal would extend the  
21 existing rule requirement in OAC  
22 252:100-13-7(4)(B) that land clearing  
23 operations in current and former  
24 non-attainment areas, specifically  
25 Oklahoma and Tulsa Counties, use air

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1 curtain incinerators, to all counties  
2 in the Oklahoma City and Tulsa  
3 metropolitan statistical areas. The  
4 Oklahoma City metropolitan  
5 statistical area is comprised of  
6 Canadian, Cleveland, Grady, Lincoln,  
7 Logan, McClain, and Oklahoma  
8 Counties; and the Tulsa Metropolitan  
9 Statistical Area is comprised of  
10 Creek, Okmulgee, Osage, Pawnee,  
11 Rogers, and Tulsa Counties.

12 The burning of land clearing  
13 materials in an air curtain  
14 incinerator instead of a burn pile  
15 can reduce emissions by about 9  
16 percent and lower the risk of escaped  
17 fires and embers. Certified ozone  
18 data, for the years 2009 through  
19 2011, show that the Oklahoma City and  
20 Tulsa metro areas are in violation of  
21 the 2008, 75 parts per billion ozone  
22 standard, and the 2010 through 2012  
23 data will continue to be in violation  
24 for both the metro areas.  
25 The extension of the rule to

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1 cover Oklahoma City and Tulsa  
2 metropolitan statistical areas could  
3 be included as an ozone reduction  
4 measure in the Oklahoma City and  
5 Tulsa Ozone Advance Action Plans.  
6 EPA guidance states, where control  
7 measures are actively being  
8 implemented in an area, EPA may allow  
9 time to determine whether ozone  
10 reduction measures bring an area back  
11 into attainment.

12 The Department is also  
13 proposing changes to encourage the  
14 use of air curtain incinerators, such  
15 as an extension of allowed hours of  
16 operation. Additionally, the  
17 Department proposes to modify the  
18 rule to allow, under certain  
19 conditions, the transport of  
20 materials from the site where it is  
21 generated to the site where it would  
22 be burned.

23 To ensure adequate protection  
24 of the public health by reducing air  
25 pollution on days that ozone or

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1 particulate matter concentrations are  
2 expected to exceed National Ambient  
3 Air Quality Standards, the Department  
4 is proposing to prohibit open burning  
5 in areas under an ozone or  
6 particulate matter watch.

7 Notice of the proposed rule  
8 changes as emergency and permanent  
9 was published in the Oklahoma  
10 Register on September 17, 2012. The  
11 notice was published as emergency to  
12 avoid serious prejudice to the public  
13 interest. In plain English, this  
14 means that we wish to make these  
15 changes to avoid forcing  
16 municipalities to incur additional  
17 unnecessary expense in land clearing  
18 or tree trimming operations.

19 The Notice requested written  
20 comments from the public and other  
21 interested parties. Staff requests  
22 the Council to carryover the proposed  
23 rule amendments to the next Council  
24 meeting to allow more opportunity for  
25 public comment.

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1 The only comment that we have  
2 received was from EPA. The comment  
3 had two points.

4 One, EPA appreciates the ban on  
5 open burning on ozone and PM watch  
6 days; and Two, EPA's opinion is that  
7 a Title V permit is required for all  
8 air curtain incinerators not being  
9 used for disaster recovery.

10 Staff is researching possible  
11 options to streamline the permitting  
12 process for air curtain incinerators.  
13 Under specific conditions an air  
14 curtain incinerator can be used to  
15 burn storm and land clearing debris  
16 during a burn ban issued by the  
17 Governor of Oklahoma.

18 And at this time, I'd like to  
19 provide a PowerPoint presentation.  
20 And this is simply to provide a  
21 familiarity with what an air curtain  
22 incinerator is to those that may not  
23 know what one looks like. Okay.

24 An air curtain incinerator, as  
25 you can imagine, the box there in

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1 the lower part is actually -- this  
2 could be either a metal container  
3 with refractory or it could be just  
4 a hole that is dug and by -- into  
5 certain dimensions. And an air  
6 curtain incinerator is just a large  
7 fan and the main thing is that the  
8 air is blown over the top of the pit  
9 or the box and this air being blown  
10 over the top captures any  
11 particulates and gases. It captures  
12 a lot of those and keeps it inside  
13 the box. The temperature raises to  
14 a much higher level than a pile and  
15 burn and it also provides additional  
16 oxygen for it so you get a more  
17 complete and a very much faster burn.

18 And this -- I'm sorry but this  
19 picture is a little bit blurry, but  
20 this will give you an example of  
21 what one looks like. This is called  
22 a pit burner and the front of it  
23 along here would -- there would be a  
24 pit in front of it and you can see  
25 that you can hook one up to a hitch

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<p>Sheet 11 Page 38</p> <p>1 on a truck and easily pull it behind 2 the hitch. So, you know, it's a 3 piece of equipment but not just 4 terribly large. 5 This is an example of another 6 one that's folded up and ready to be 7 hooked up to a truck. 8 Here is an example of one with 9 the pit in front of it there. It's 10 ready to be used. It might even be 11 in use at the time. 12 This, you know, is called a 13 pit burner. There's two different 14 types of air curtain incinerators. A 15 pit burner, and this one is a fire 16 box. It's completely contained. It 17 takes a semi to haul it around but 18 it is totally contained and the wood 19 or wood waste is put inside the box 20 and the fan just blows air along 21 here which is directed towards the 22 other side of the box. 23 This is one that's a -- it's 24 also a little bit blurry. But this 25 was one in use and as you can see</p> <p>Page 39</p> <p>1 it's fairly hot and very little smoke 2 coming out. And whenever the ash 3 builds up inside it, it needs to be 4 cleaned out. For a firebox they can 5 open up these back doors -- open up 6 the back doors and pull it forward 7 to remove the ash and they can close 8 the back doors and start over again. 9 And this I like a lot because 10 in the background here you can see 11 this is pile and burn and this is 12 all the smoke coming off of this 13 pile and burn. This firebox is in 14 use at the time. It's running and 15 there is very little smoke coming off 16 of that. 17 And this is to give you an 18 example of a pile and burn emissions 19 compared to an air curtain 20 incinerator. You get at least 90 21 percent of reduction from any of the 22 pollutants listed there. 23 And that's the end of my 24 presentation. And also the staff 25 requests that Council carry the</p>	<p>Page 40</p> <p>1 proposed rule amendment to the next 2 Council meeting to allow more 3 opportunity for public comment. 4 Thank you. Any questions? 5 MS. MYERS: Yeah. I've got 6 one. 7 MR. ASHFORD: Sure. 8 MS. MYERS: What's the 9 difference in the language on using 10 watch versus alert? I seen some, 11 you know, through (inaudible) 12 announcement come out for ozone 13 alerts -- 14 MR. ASHFORD: It's -- it's 15 -- 16 MS. MYERS: -- to be 17 watching for it. What's the change? 18 MR. ASHFORD: -- it changes 19 the verbiage. What used to be 20 called an ozone alert is now called 21 an ozone watch. 22 MS. MYERS: (Inaudible). 23 MR. ASHFORD: Well, it's -- 24 MS. MYERS: That's a little 25 sarcastic, I know, (inaudible). But</p>
<p>Page 39</p> <p>1 it's fairly hot and very little smoke 2 coming out. And whenever the ash 3 builds up inside it, it needs to be 4 cleaned out. For a firebox they can 5 open up these back doors -- open up 6 the back doors and pull it forward 7 to remove the ash and they can close 8 the back doors and start over again. 9 And this I like a lot because 10 in the background here you can see 11 this is pile and burn and this is 12 all the smoke coming off of this 13 pile and burn. This firebox is in 14 use at the time. It's running and 15 there is very little smoke coming off 16 of that. 17 And this is to give you an 18 example of a pile and burn emissions 19 compared to an air curtain 20 incinerator. You get at least 90 21 percent of reduction from any of the 22 pollutants listed there. 23 And that's the end of my 24 presentation. And also the staff 25 requests that Council carry the</p>	<p>Page 41</p> <p>1 seriously why the change? 2 MR. ASHFORD: Why the change 3 in what it's called? 4 MS. MYERS: Uh-huh. 5 MR. ASHFORD: I was not 6 privy to that. I'm not sure. 7 MR. CLARK: It's still 8 called an ozone alert in Tulsa from 9 (inaudible); right? 10 MS. BOTCHLET-SMITH: When 11 DEQ staff look at the weather 12 conditions and they look at the 13 concentrations and they try to do a 14 -- or they do a forecast for the 15 next day, we issue a watch. We 16 contact the COG and let them know 17 that we're issuing an ozone watch. 18 Now ACOG and NCOG have historically 19 used the term "ozone alert" so when 20 they issue their notice and what you 21 all can see on the weather or the 22 news it's transformed to ozone alert 23 because that's historically what's 24 been used. But our nomenclature, you 25 know, the verbiage we use in the</p>

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1 office is an ozone watch. It's not  
2 to be confused with a health  
3 advisory. Health advisory is a  
4 real-time event and a watch or an  
5 alert is a forecast for the next  
6 day.

7 MR. CLARK: So an ozone  
8 alert is only triggered by an ozone  
9 watch. We'd never be issuing  
10 independently an ozone watch?

11 MS. BOTCHLET-SMITH: No.

12 MR. CLARK: Okay.

13 MR. TERRILL: Sharon, the  
14 reason we did that was we were  
15 trying to tailor our message to more  
16 match what the weather forecast does  
17 so we could entice them to use it  
18 more and make it more available to  
19 the public. So that was -- that was  
20 the reason. We were trying to shift  
21 more to an education and advisory to  
22 the public-type system as opposed to  
23 what it was for ten years. So that  
24 was the reason we changed the  
25 language on that.

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1 MS. MYERS: Okay.

2 MS. BOTCHLET-SMITH: Any  
3 other questions from the Council?

4 MR. CLARK: I have a couple  
5 of questions. Who are the primary  
6 users of this -- primarily farmers or  
7 ranchers or land developers?

8 MR. ASHFORD: All of the  
9 above, even Forest and National Park  
10 Service. I think just about anyone  
11 doing land-clearing operations.

12 MR. CLARK: Is there any  
13 definition or any limitation on  
14 acreage? I mean, is this going to  
15 apply equally to somebody who has an  
16 acre to clear versus someone who has  
17 500 acres to clear? I'm sort of  
18 getting at whatever burden we might  
19 be creating for a really small  
20 operation or small acreage. Is that  
21 considered or is that --

22 MR. ASHFORD: There is --

23 MR. TERRILL: Well, one of  
24 the main drivers for this is the  
25 county commissioners have

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1 consistently complained that they  
2 didn't have a way to get rid of  
3 brush and other material that were  
4 collected or given or been collected  
5 on behalf of their constituents  
6 without either chipping it or land  
7 filling it. So this an opportunity  
8 to provide an expanded methodology  
9 for them to use to get rid of this  
10 brush. I think there is an  
11 exception for personal land clearing  
12 that is small in nature. What we're  
13 really targeting here is, one,  
14 developers who clear large tracts of  
15 land with big trees, that sort of  
16 thing. Primarily county  
17 commissioners and municipalities that  
18 have need to get rid of brush that  
19 has accumulated independently of a  
20 disaster, just routine clearing of  
21 property or of wind damage that  
22 doesn't fall under a disaster. Those  
23 types of things that may accumulate  
24 over a period of time that they  
25 either need to get rid of by

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1 chipping or land-clearing -- or land  
2 filling it.

3 But we'll take a look at that  
4 because it's not our intention to  
5 require someone who is just clearing  
6 their lot, for instance, spring  
7 cleaning or whatever to get rid of  
8 that kind of debris. I think  
9 there's already exemptions for that,  
10 but we'll make sure of that.

11 MR. CLARK: Yes. There is  
12 -- there is some exemptions in there  
13 and the only one that -- that I  
14 wondered if it could cause an issue  
15 or not, under the definition of wood  
16 waste versus yard brush. Limbs is  
17 listed under both. I don't know if  
18 that would cause any confusion for  
19 anyone. Under wood waste we have  
20 tree limbs, and under yard brush we  
21 have tree limbs. And yard brush  
22 does not require the use of the  
23 incinerator, but the way I'm reading  
24 this wood waste does. I don't know  
25 if that's a confusing issue or not

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1 to have tree limbs and limbs listed  
2 under both definitions if somebody  
3 was looking at it trying to decide  
4 whether they are required to do that  
5 or not.

6 One says in-ground tree stumps;  
7 yard brush includes in-ground tree  
8 stumps. Wood waste -- I guess it  
9 doesn't even mention stumps at all.  
10 Yes, it does. It says including  
11 tree stumps. I guess the difference  
12 there would be in-ground stumps  
13 versus stumps that have been dug up  
14 or pulled up with a tractor or  
15 something? I don't know. I just  
16 wondered if there is any confusion  
17 there because the incinerator rule  
18 does apply to wood waste but not to  
19 yard brush, if I'm reading this  
20 correctly?

21 MS. MYERS: If you read the  
22 first part of the definition, as I  
23 understand it, you're looking at  
24 untreated wood and untreated wood  
25 products. So that's going to be

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1 something more on the line of  
2 construction and utilization as  
3 opposed to picking up your yard?

4 MR. CLARK: Yeah. It does  
5 also say trees, and tree limbs, and  
6 stumps.

7 MS. LODES: Well, I mean, I  
8 also know facilities and -- actually  
9 not here in Oklahoma but in another  
10 state, and the wood waste, since that  
11 is kind of more a standard  
12 definition, they were using pallets  
13 -- the wooden pallets for shipping.

14 MR. CLARK: Uh-huh.  
15 MS. LODES: Because that was  
16 untreated wood.

17 MR. CLARK: Right.  
18 MS. LODES: And that's  
19 what's they're burning in their air  
20 curtain incinerator and that fell  
21 under this wood waste definition in  
22 the -- in the air curtain incinerator  
23 regulations.

24 MS. BRADLEY: Mr. Clark?  
25 MR. CLARK: Yes.

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1 MS. BRADLEY: The definition  
2 relies heavily on the definitions  
3 that are currently in the federal  
4 incinerator rules. And there are  
5 unfortunately overlaps, but there is  
6 a distinction made in land clearing  
7 versus maintenance of an area or  
8 maintaining your yard. Normal tree  
9 trimmings, et cetera, would not be  
10 subject to the requirement. But a  
11 developer going in and clearing land  
12 for building purposes, or if the  
13 highway department were to expand the  
14 right-of-ways, it would be subject to  
15 the requirement for the air curtain  
16 incinerator in those areas.

17 Currently, there is a  
18 requirement on the books for Tulsa  
19 and Oklahoma County to require an air  
20 curtain incinerator for those  
21 activities already. And what Mr.  
22 Ashford proposed or presented, was an  
23 expansion to address the larger  
24 metropolitan statistical areas.

25 MR. CLARK: Okay.

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1 MS. BRADLEY: But  
2 unfortunately the -- there aren't any  
3 bright lines in a lot of these, and  
4 we have tried to adhere to the  
5 federal model so that we would not  
6 get adverse comments from EPA  
7 regarding the regulations.

8 MR. CLARK: Okay. Thank  
9 you.

10 MS. LODES: Did we define  
11 what is a metropolitan statistical  
12 area in one of our regs? I don't  
13 know that we do.

14 MS. BRADLEY: No. We do  
15 not, and also we were considering  
16 clarifying that particular issue in  
17 the next version of the rule that  
18 came to the Council. Before we went  
19 to the extra effort of putting it in  
20 we wanted to map out the concept and  
21 get comments on it from Council and  
22 the public regarding this expansion  
23 of the requirement to include the  
24 whole metropolitan statistical area.

25 MS. BOTCHLET-SMITH: Any

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1 other comments from the Council?  
2 Again this rule, we didn't have any  
3 indication the public wanted to  
4 comment. Did anyone change their  
5 mind and decided to comment on this  
6 rule today?  
7 Seeing none, it is back to the  
8 Council, Laura.  
9 MS. LODES: Okay. The  
10 staff has recommended that we  
11 continue this rule to the next  
12 Council meeting. So do we have a  
13 motion?  
14 MS. MYERS: I'll make a  
15 motion to continue it.  
16 MR. CLARK: I'll second  
17 that.  
18 MS. LODES: I have a motion  
19 and a second. Jeanette, would you  
20 please call the roll.  
21 MS. NANCE: Mr. Butcher.  
22 MR. BUTCHER: Yes.  
23 MS. NANCE: Mr. Clark.  
24 MR. CLARK: Yes.  
25 MS. NANCE: Mr. Gamble.

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1 MR. GAMBLE: Yes.  
2 MS. NANCE: Ms. Myers.  
3 MS. MYERS: Yes.  
4 MS. NANCE: Ms. Lodes.  
5 MS. LODES: Yes.  
6 MS. NANCE: Motion passed.  
7 MR. TERRILL: Laura, before  
8 we move on to the next item, it's  
9 real important that we try as much  
10 as we can to pass this rule at the  
11 next Council meeting. So I really  
12 urge you all to take a look at this  
13 in the next few weeks and if you  
14 have any additional concerns or  
15 questions that you feel like we need  
16 to address, please let us know. The  
17 reason being is we anticipate that  
18 there may be some legislation that  
19 would significantly relax the  
20 requirements now for burning and we  
21 want to provide an alternative that  
22 can be considered and we can't do  
23 that until we make those changes to  
24 the rule. So we feel like this is a  
25 tool that can be used by the

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1 constituents, county commissioners,  
2 and municipalities who have expressed  
3 some concerns about our existing  
4 rules and it's an alternative just  
5 saying you can burn whenever you  
6 want, and however you want, which we  
7 feel like is not -- it won't be  
8 helpful for ozone and it won't be  
9 helpful for public health. So  
10 anyway, please take a look at this.  
11 We really would like pass it at the  
12 next Council meeting if possible.  
13 Thank you.  
14 MS. BOTCHLET-SMITH: And that  
15 does conclude the hearing portion of  
16 today's meeting.  
17 (Proceedings Concluded)

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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 14th day of November, 2012,  
15 at Oklahoma City, Oklahoma; and that  
16 I am neither attorney for, nor  
17 relative of any of said parties, nor  
18 otherwise interested in said action.  
19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand and official  
21 seal on this, the 4th day of  
22 December, 2012.  
23 *Christy Myers*  
24 CHRISTY A. MYERS, C.S.R.  
25 Certificate No. 00310

# Keyword Index

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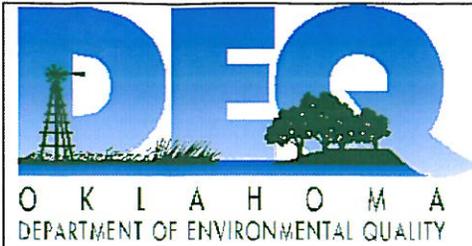
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November 14, 2012  
Oklahoma City, Oklahoma

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