

MINUTES
AIR QUALITY COUNCIL
 Department of Environmental Quality
 707 North Robinson, Oklahoma City, OK
 October 27, 2010

For EQB November 16, 2010
 AQC Approved
 January 19, 2011

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. on October 27, 2010 at the Department of Environmental Quality in Oklahoma City. 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, 2009 and on June 3, 2010 to change the date. 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 Advisory 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. Ms. Bruce called roll stating that a quorum was present.

MEMBERS PRESENT

David Branecky
 Montelle Clark
 Gary Collins
 David Gamble
 Jim Haught
 Laura Lodes
 Bob Lynch
 Sharon Myers
 Pete White

DEQ STAFF PRESENT

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

DEQ STAFF PRESENT

Pat Sullivan
 Joyce Sheedy
 Nancy Marshment
 Brooks Kirlin
 Trevor Hammons
 Dawson Lasseter
 Myrna Bruce

MEMBERS ABSENT

OTHERS PRESENT

Christy Myers, Court Reporter

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

Approval of Minutes – April 21, 2010 Regular Meeting Ms. Lodes called for a motion for approval. Mr. Haught moved to approve and Ms. Myers made the second.

Bob Lynch	Yes	Gary Collins	Abstain
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

Meeting Schedule for Calendar Year 2011 Discussion led to dates being set for January 19 at DEQ; April 20 in Tulsa; July 20 at DEQ; and October 19 at DEQ. Mr. Branecky made the motion to approve those dates/locations and Dr. Lynch made the second.

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

EMERGENCY RULE PROPOSAL

OAC 252:100-1. Definitions [AMENDED]

OAC 252:100-8. Permits for Part 70 Sources [AMENDED]

Dr. Joyce Sheedy, Engineer, Air Quality Division described the proposed emergency rule revisions to Subchapters 1 and 8 to assure that state PSD and Part 70 permitting rules affected by recent changes to the U.S. Environmental Protection Agency's (EPA's) policies and programs for greenhouse gas emissions are not interpreted to be more stringent than the corresponding federal requirements. The proposal includes modification to Subchapter 1 to add the definition of greenhouse gas to Chapter 100.

Dr. Sheedy advised that staff recommended Council approval of Emergency Rulemaking. Mr. Haught made the motion to approve the Emergency rulemaking including in his motion the amendment as suggested by the Council. Mr. Branecky made the second. Transcript attached.

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

EMERGENCY & PERMANENT RULE PROPOSALS

OAC 252:100-7. Permits for Minor Facilities [AMENDED]

Dr. Joyce Sheedy, Engineer, Air Quality stated that the proposal would revise Subchapter 7 to assure that state minor facility permitting rules affected by recent changes to the EPA's policies and programs for greenhouse gas emissions are not interpreted to be more stringent than the corresponding federal requirements.

Dr. Sheedy advised that staff recommended Council approval of Emergency Rulemaking noting that the Permanent Rulemaking would be brought before the Council at the January 29, 2011 meeting. Mr. Branecky made the motion to approve the Emergency rulemaking and Ms. Myers made the second. Transcript attached.

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

NOTE: SUBCHAPTERS 1 / 8 AND SUBCHAPTER 7 WERE FORWARDED TO ENVIRONMENTAL QUALITY BOARD AND APPROVED ON NOVEMBER 16, 2016.

THE FOLLOWING AGENDA ITEMS WERE CONTINUED FOR CONSIDERATION BY COUNCIL AT THE JANUARY 19, 2011 MEETING.

PERMANENT RULE PROPOSALS

OAC 252:100-5. Registration, Emission Inventory and Annual Operating Fees

The Department is proposing to add a new section to Subchapter 5 that would allow the Agency to invoice for emissions of hazardous air pollutants, lead, and lead compounds at a rate different from other regulated air pollutants and would require area sources subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) to pay an annual operating fee.

Ms. Cheryl Bradley and Ms. Pat Sullivan made staff presentations. Staff recommended that Council continue the hearing to its January meeting. Full transcripts will be included in the January 19, 2011 Agenda Packet. Mr. Branecky made the motion to continue the hearing and Ms. Myers made the second.

See transcript Part 2 pages 3 - 67

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

OAC 252:100-8. Permits for Part 70 Sources [AMENDED] Dr. Joyce Sheedy, Engineer, Air Quality Division advised that the proposal would revise Subchapters 7 and 8 to assure that state PSD and Part 70 permitting rules affected by recent changes to the EPA's policies and programs for greenhouse gas emissions are not more stringent than the corresponding federal requirements. In addition, modifications are proposed to Parts 7 and 9 of Subchapter 8 to implement the New Source Review program (PSD and Nonattainment NSR) for fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) to establish provisions for a major source threshold, significant emissions rate, offset ratios for PM_{2.5} NAAQS, and interpollutant trading for offsets that are consistent with those in federal regulations.

Dr. Joyce Sheedy made staff presentation stating that the staff recommended that Council continue the hearing to its January meeting. Full transcripts will be included in the January 19, 2011 Agenda Packet. Ms. Myers made the motion to continue the hearing and Mr. Clark made the second.

See transcript Part 2 pages 67 - 74

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

OAC 252:100-2. Incorporation By Reference [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

Nancy Marshment, Environmental Programs Specialist, Air Quality Division advised that the proposal would update Subchapter 2 to clarify language and Appendix Q, Incorporation By Reference, to incorporate by reference the latest changes to EPA regulations.

Ms. Nancy Marshment made staff presentation. Staff recommended that Council continue the hearing to its January meeting. Full transcripts will be included in the January 19, 2011 Agenda Packet. Ms. Myers made the motion to continue the hearing and Mr. Branecky made the second.

See transcript Part 2 pages 74 - 81

Bob Lynch	Yes	Gary Collins	Yes
Pete White	Yes	David Gamble	Yes
David Branecky	Yes	Montelle Clark	Yes
Jim Haught	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

Presentation - Subchapter 31. Control of Emission of Sulfur Compounds - Brooks Kirlin,
Professional Engineer, Air Quality Division

Presentation - Lead-Based Paint Rule Proposal - Trevor Hammons, Environmental Attorney, Office of General Counsel.

Division Director's Report - Eddie Terrill

New Business - None

Adjournment – Ms. Lodes adjourned the meeting adjourned at 12:45 p.m.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL
REGULAR MEETING

ITEM 5B

OCTOBER 27, 2010, AT 9:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA

* * * * *

ORIGINAL

Page 2

MEMBERS OF THE COUNCIL

1
2
3 LAURA LODES, CHAIR
4 JIM HAUGHT, VICE-CHAIR
5 PETE WHITE, MEMBER
6 SHARON MYERS, MEMBER
7 MONTELLE CLARK, MEMBER
8 DAVID GAMBLE, MEMBER
9 GARY COLLINS, MEMBER
10 ROBERT LYNCH, MEMBER
11 DAVID BRANECKY, MEMBER

DEQ STAFF

12
13
14 MYRNA BRUCE
15 BEVERLY BOTCHLET-SMITH
16 EDDIE TERRILL
17 CHERYL BRADLEY
18 NANCY MARSHMENT
19 DIANA HINSON
20 JOYCE SHEEDY
21
22
23
24
25

1 MS. BRUCE: We have a quorum and
2 we have a full house. Thank you.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 3

PROCEEDING

1
2
3
4 MS. LODES: Let's call the
5 meeting to order. Myrna, will you call
6 roll?
7 MS. BRUCE: Good morning. Bob
8 Lynch.
9 DR. LYNCH: Yes.
10 MS. BRUCE: Pete White.
11 MR. WHITE: Yes.
12 MS. BRUCE: David Branecky.
13 MR. BRANECKY: Here.
14 MS. BRUCE: Jim Haught.
15 JIM HAUGHT: Here.
16 MS. BRUCE: Sharon Myers.
17 MS. MYERS: Yes.
18 MS. BRUCE: Gary Collins.
19 MR. COLLINS: Here.
20 MS. BRUCE: David Gamble
21 MR. GAMBLE: Here.
22 MS. BRUCE: Montelle Clark.
23 MR. CLARK: Present.
24 MS. BRUCE: Laura Lodes.
25 MS. LODES: Here.

Page 5

ITEM 5B

1
2
3 MS. BOTCHLET-SMITH: The next
4 item on the agenda today is 5B. This is an
5 Emergency Rule proposal for OAC 252:100-1
6 Definitions; and OAC 252:100-8 Permits for
7 Part 70 Sources. And Dr. Joyce Sheedy will
8 be giving the staff presentation.
9 DR. SHEEDY: Madam Chair, Members
10 of the Council, Ladies and Gentlemen, today
11 we're proposing to amend three of the air
12 pollution control rules in order to deal
13 with the greenhouse gas, also known as GHG,
14 greenhouse gas emissions when they become
15 subject to regulation on January 2, 2011.
16 At this time I'm going to describe
17 the proposed emergency rule revisions to
18 Subchapter 1, General Provisions; and
19 Subchapter 8, Permits for Part 70 sources.
20 The pollutant greenhouse gas
21 consists of six gases: Carbon Dioxide,
22 nitrous oxide, methane, hydrofluorocarbons,
23 perfluorocarbons, and sulfur hexafluoride.
24 In reality, of course, it exists in more
25 than that since two of these gases are

1 actually categories for perfluorocarbons
2 and the hydrofluorocarbons.
3 In 2007, the Supreme Court ruled
4 that greenhouse gases are pollutants
5 covered by the federal Clean Air Act. And
6 they required EPA to determine if
7 greenhouse gas emissions endangered public
8 health or welfare on whether the science
9 was too uncertain to make a reasoned
10 decision. EPA's endangerment and cause or
11 contribute findings for greenhouse gas,
12 which was published in the Federal Register
13 on December 15, 2009, found that greenhouse
14 gas endangers both the public health and
15 welfare of current and future generations
16 and that the greenhouse gas emissions from
17 new motor vehicles and new motor vehicle
18 engines contribute to this greenhouse gas
19 air pollution.

20 The Endangerment Findings in
21 combination with EPA's Reconsideration of
22 the PSD Interpretative Memo and the joint
23 EPA/DOT greenhouse gas standards for
24 light-duty vehicles have resulted in
25 greenhouse gas becoming subject to

1 regulation on January 2, 2011. At that
2 time the PSD and the Part 70 permit
3 programs will apply to stationary sources
4 that have potential to emit more than 100
5 or 250 tons per year of greenhouse gas.
6 This could result in thousands of sources
7 becoming subject to PSD and Part 70
8 permitting and in such an enormous increase
9 in those permits that the Department would
10 be unable to deal with them in a timely
11 fashion. These greenhouse gas sources
12 could include not only industrial sources,
13 but commercial, agriculture and even
14 residential sources that have not been
15 subject to regulation or air regulation
16 before.

17 To relieve this overwhelming
18 permitting burden, EPA promulgated the
19 greenhouse gas Tailoring Rule which was
20 published in the Federal Register on June
21 3, 2010. In this rule EPA defined "subject
22 to regulation" which sets the PSD and Part
23 70 applicability thresholds for greenhouse
24 gas at 100,000 tons per year of CO₂e
25 equivalent -- CO₂e; and added a significant

1 level of 75,000 tons per year CO₂e for PSD
2 modifications.

3 The greenhouse gas Tailoring Rule
4 provides a phased-in program of two steps.
5 The first step, which will be effective on
6 January 2, 2011, will cover what they refer
7 to as "anyway sources". These are sources
8 that would be subject to PSD as -- or to
9 Part 70 permitting based on emissions of
10 non-greenhouse gas emissions. These
11 sources would be required to include GHG in
12 PSD or Part 70 permit applications if their
13 greenhouse gas emissions reach or exceed
14 the applicability threshold levels for
15 greenhouse gas.

16 The second step will become
17 effective on July 1, 2011 and in addition
18 to the "anyway sources" will cover sources
19 that are subject to PSD or Part 70 because
20 of their greenhouse gas emissions.

21 It is important to note that the
22 Greenhouse Gas Tailoring Rule does not
23 require any source to obtain either a PSD
24 construction permit or a Part 70 operating
25 permit for greenhouse gas. Enforceable

1 Clean Air Act regulations and existing
2 departmental rules will automatically take
3 effect when greenhouse gas becomes a
4 pollutant subject to regulation on January
5 2, 2011. Instead by raising the PSD and
6 the Part 70 applicability thresholds for
7 greenhouse gas, the Tailoring Rule will
8 spare a large number of smaller sources the
9 necessity of obtaining permits for their
10 greenhouse gas emissions and the permitting
11 authorities the expense of issuing those
12 permits.

13 The Department proposes to modify
14 Parts 5 and 7 of Subchapter 8 to raise the
15 applicability thresholds for greenhouse gas
16 for the PSD and the Part 70 permitting
17 programs to match those contained in the
18 greenhouse gas Tailoring Rule and to
19 implement the two-step phase-in program for
20 PSD.

21 The proposed revisions were posted
22 on the Department's website for public
23 review and comment, I believe that was on
24 October 20, 2010. We have received
25 comments from Sharon S. Broome of the Air

1 Permitting Forum by e-mail on October 25th.
 2 The Forum suggested that an expiration or a
 3 sunset provision should be included in
 4 the revision in light of the current
 5 litigation challenging EPA's decision to
 6 regulate greenhouse gas under the Clean Air
 7 Act.

8 Staff feels that the introductory
 9 language to the definition of subject to
 10 regulation in OAC 252:100-8-2 and in
 11 252:100-8-31 ensures that if a court were
 12 to invalidate for any reason the underlying
 13 applicable regulation that makes greenhouse
 14 gas a regulated pollutant then it would
 15 automatically not be contained in the
 16 definition of subject to regulation.

17 However, today we are proposing
 18 revisions to our definition of subject to
 19 regulation that was posted on the web and
 20 that is available here to further clarify
 21 our position.

22 The Forum also stated that
 23 Oklahoma's definition of regulated NSR
 24 pollutant includes not only the language
 25 any pollutant that otherwise is subject to

1 regulation under the Act, but also any
 2 pollutant for which an NAAQS has been
 3 promulgated and any pollutant that is
 4 subject to any standard promulgated under
 5 section 111 of the Act, which the Forum
 6 believes will negate the higher
 7 applicability thresholds in the definition
 8 of subject to regulation in the event EPA
 9 issues a NAAQS for greenhouse gas or adopts
 10 an NSPS standard for greenhouse gas. They
 11 suggested language to be added to the
 12 definition of regulated NSR pollutant to
 13 preclude this. We are not certain that we
 14 agree that would be the case, but we will
 15 look at it further before the permanent
 16 rulemaking for greenhouse gas is proposed.

17 This morning we received comments
 18 from Jeff Robinson, Air Permits Section of
 19 EPA Region 6, which expressed support of
 20 the proposed emergency rule revisions
 21 concerning greenhouse gas and encouraged us
 22 to expeditiously adopt these revisions to
 23 implement the Greenhouse Gas Tailoring Rule
 24 provisions by January 2, 2011.

25 For the Part 70 program in OAC

1 252:100-8-2 on Page 3, we propose to modify
 2 paragraph (B) of the definition of "major
 3 source" by replacing the words "regulated
 4 air pollutant" with "air pollutant subject
 5 to regulation".

6 And on Page 6, we propose to add a
 7 definition for the term "subject to
 8 regulation". This definition contains the
 9 Part 70 applicability threshold for
 10 greenhouse gas.

11 Based on comments received, we are
 12 proposing to change the definition of
 13 "subject to regulation" by adding the
 14 following language at the end of
 15 Subparagraph (A): "And are otherwise
 16 subject to regulation as previously
 17 described in this definition." I believe
 18 Council has a copy of this. This should
 19 further clarify that for a pollutant to be
 20 subject to regulation it must be subject to
 21 either a provision of the federal Clean Air
 22 Act, or a nationally applicable regulation
 23 codified by EPA in Subchapter C of Chapter
 24 1 of 40 CFR that requires control and that
 25 the requirement has been -- has taken

1 effect.

2 This will prevent the state from
 3 being required to include greenhouse gas in
 4 its Part 70 program in the event that the
 5 court's stay or revoke any of the rulings
 6 or regulations EPA has produced regarding
 7 greenhouse gas emissions.

8 The changes to the PSD program are
 9 proposed in OAC 252:100-8-31. In (A)(iv)
 10 of the definition of "regulated NSR
 11 pollutant" on Page 16, we proposed to
 12 replace "any pollutant that otherwise is
 13 subject to regulation under the Act" with
 14 "any pollutant that otherwise is subject to
 15 regulation" as defined in OAC 252:100-8-31.

16
 17 This revision contains an error:
 18 "under the Act" was mistakenly deleted and
 19 we propose to add those words back to
 20 (A)(iv).

21 We go on to define "subject to
 22 regulation" on Page 18. This definition
 23 includes the PSD applicability thresholds
 24 for greenhouse gas and the two-step
 25 phase-in program.

1 We propose to add the following
2 language at the end of subparagraph (D):
3 "If it meets the other requirements of this
4 definition and".

5 Again we feel that this should
6 further clarify that the introductory
7 language of this definition applies and
8 will prevent the State from being required
9 to include greenhouse gas in its PSD
10 program in the event that the court's stay
11 or revoke any of the rulings or regulations
12 EPA has produced regarding greenhouse gas
13 emissions.

14 We also propose to modify OAC
15 252:100-1 relating to definitions that are
16 applicable to Chapter 100 by the addition
17 of a definition of "greenhouse gas" or
18 "GHG" on Page 3 of Subchapter 1.

19 These proposed revisions should
20 reduce the number of PSD and Part 70
21 permits that will be required when GHG
22 becomes an air pollutant subject to
23 regulation to a more manageable level. It
24 will also prevent the State PSD and Part 70
25 programs from being more stringent than the

1 corresponding federal programs.

2 However, EPA proposed the Greenhouse
3 Gas Tailoring Rule in the Federal Register
4 on October 27th of 2009 and promulgated the
5 final rule in the Federal Register on June
6 3, 2010, making it impossible under the
7 State's rulemaking procedures for the
8 Department to promulgate a permanent
9 modification incorporating the higher GHG
10 thresholds for PSD and Part 70 permits
11 before the January 2, 2011 deadline.
12 Because of this, a large number of smaller
13 sources of greenhouse gas that will be
14 excluded by the federal Greenhouse Gas
15 Tailoring Rule may still be subject to the
16 lower thresholds of the PSD and Part 70
17 programs contained in the current State
18 rules, thus, negating the relief from the
19 overwhelming permitting burden afforded by
20 the Greenhouse Gas Tailoring Rule.

21 This would be costly to the small
22 sources that must prepare and submit these
23 permits and it would be costly to the
24 Department, which must evaluate and issue
25 these permits, and it would result in

1 little reduction of greenhouse gas
2 emissions. This also means that the
3 State's PSD and Part 70 permitting programs
4 would be more stringent than the
5 corresponding federal programs until the
6 proposed modifications become effective as
7 permanent changes. For this reason, the
8 Department is asking that these proposed
9 modifications to Subchapter 1 and
10 Subchapter 8, with the corrections and
11 additions we have proposed to the
12 definition of "subject to regulation" in
13 OAC 252:100-8 and the definitions of
14 "regulated NSR pollutant" and "subject to
15 regulation" in OAC 252:100-8-31, be
16 approved as emergency rule changes.

17 MS. BOTCHLET-SMITH: Do we have
18 questions from the Council?

19 David.

20 MR. BRANECKY: This is kind of a
21 procedural question; I can understand that.
22 We talked a little bit about it earlier.
23 We pass it as an emergency rule; it goes to
24 the Environmental Quality Board as an
25 emergency rule, they pass it; it then goes

1 to the Governor and is it effective upon
2 his signature or when is it --

3 DR. SHEEDY: I believe that's --
4 okay, I believe that's the case.

5 MR. SINGLETARY: Yes, that is
6 the case, it becomes effective as soon as
7 the Governor signs it, it still goes to the
8 Legislature when they're in session, they
9 have the opportunity to void it out if they
10 would like to, but it is effective once the
11 Governor signs it. He has 45 days after
12 the Environmental Quality Board approves it
13 and we send it over to him to actually sign
14 off on it.

15 MR. BRANECKY: And if he doesn't
16 act on --

17 MR. SINGLETARY: If he doesn't
18 act then it's not approved.

19 MR. BRANECKY: It's not approved.
20

21 MR. SINGLETARY: Yes. He
22 actually has to sign off on it.

23 MR. BRANECKY: Then how long is
24 the emergency rule in effect?

25 MR. SINGLETARY: It would be in

1 effect until -- obviously the permanent is
2 a year but it --

3 (Inaudible multiple conversations)

4 DR. SHEEDY: July 14th of 2011.

5 MR. BRANECKY: Assuming the
6 permanent rule is passed.

7 DR. SHEEDY: Yes.

8 MR. HAUGHT: But if the permanent
9 rule isn't passed?

10 MR. SINGLETARY: Then it would
11 expire.

12 MR. HAUGHT: At that same July --
13 July date?

14 MR. SINGLETARY: I believe that's
15 correct.

16 MR. HAUGHT: It's not a calendar
17 year from when the Governor signs it?

18 MR. SINGLETARY: We can double
19 check that for you but I think it is the
20 July date.

21 DR. SHEEDY: I believe it's when
22 the Legislature --

23 MR. SINGLETARY: Because they
24 have the opportunity on these --

25 DR. SHEEDY: It's not in session.

1 you may end up needing to go back out there
2 since you're the one that put the language
3 in the last night.

4 I want to make sure that I

5 understand the exclusions on the subject of
6 regulation portions that you all added.

7 MR. SINGLETARY: Sure.

8 MS. LODES: Okay. Since we
9 didn't do the sunset provision-type, on the
10 subject to regulation portion, you've got
11 "and otherwise subject to regulation as
12 previously described in this definition".

13 So that would pull greenhouse gases out
14 there, correct?

15 MR. SINGLETARY: Yes. I guess
16 the concern is if the Court doesn't

17 validate either EPA's (in) in their
18 finding, the Tailoring Rule or the light
19 vehicle -- light duty vehicle greenhouse
20 gas standard then would we still be stuck
21 with it being regulated through the state
22 rule.

23 If you look at the introductory
24 paragraph in subject to regulation, the
25 only pollutants that are subject to

1 Oh, well, it's --

2 MR. SINGLETARY: We would have
3 the opportunity to have a permanent rule
4 promulgated by July, so I believe that's
5 built into the emergency procedures is that
6 they would actually expire once the
7 opportunity for the permanent rule kept in
8 place expires, so that would be July of
9 2011.

10 MR. BRANECKY: Has the Governor
11 typically acted on rules? I mean is there
12 a risk that he wouldn't do anything and
13 then we'd be out of luck?

14 DR. SHEEDY: I think typically
15 they have approved our emergency rules, we
16 haven't had very many but in my
17 recollection, I think that they have.

18 MR. BRANECKY: Thank you.

19 MS. BOTCHLET-SMITH: Okay. Do
20 you have a question?

21 MS. LODES: Yes. I do have a
22 question.

23 MS. BOTCHLET-SMITH: I just have
24 one from the audience.

25 MS. LODES: Okay. And then Rob,

1 regulation are going to be those that are
2 based on the direct provision or are in the
3 direct provision of the federal Clean Air
4 Act or a part of a national -- a nationally
5 applicable regulation codified by EPA. So
6 once a court was to, you know, overrule an
7 EPA regulation then it would no longer be
8 subject there. So we -- it's our
9 interpretation that it would probably be
10 covered and that it would no longer be
11 applicable once the court ruled on it.

12 MS. LODES: Okay. I think I can
13 follow that one. Now the last one which is
14 on Page 15 of the handout we have, Council
15 has.

16 MR. SINGLETARY: Page 15.

17 MS. LODES: That's under the PSD
18 part for subject to regulation?

19 MR. SINGLETARY: Uh-huh.

20 MS. LODES: This is the one where
21 -- I see where you added it to (D) and it
22 says, "if it meets other requirements of
23 this definition", should that same
24 exclusion wording be in (C) and (E)?

25 MR. SINGLETARY: I don't think

1 this reference should be in (E) because (E)
 2 actually incorporates the provisions of (D)
 3 above it.
 4 MS. LODES: Okay. So we're --
 5 MR. SINGLETARY: As as far as (C)
 6 goes --
 7 MS. LODES: Because if I'm
 8 looking at (C) and trying to read through
 9 that it looks like you're still stuck with
 10 that 75,000 tons because we don't have the
 11 "if it meets the other requirements of the
 12 definition" in it.
 13 MR. SINGLETARY: Yeah. We did
 14 add it right to the very end of (C) there
 15 as well. We can take out.
 16 MS. LODES: Okay. I think that
 17 needs to be done.
 18 MR. SINGLETARY: So at the end of
 19 (C) we would add the exact language that we
 20 have in 8-2(a) for the definition for
 21 subject to regulation --
 22 MS. LODES: Yes.
 23 MR. SINGLETARY: -- and are
 24 otherwise subject to regulation as
 25 described.

1 MS. LODES: Yes. I think that's
 2 what needs to be added there.
 3 MR. SINGLETARY: Yeah, a little
 4 bit different than (in) but it would have
 5 the same conclusion -- the same result.
 6 MS. LODES: (Clarifying to Mr.
 7 Terrill).
 8 MR. SINGLETARY: If you still
 9 have concerns we do have some alternative
 10 language that we have drafted that will try
 11 and address that issue.
 12 MS. LODES: Well, and that's -- I
 13 know you had drafted that and I'm -- I want
 14 to mention that to the Council that we had
 15 talked about a sunset clause, it was a very
 16 specific provision to make it very clear
 17 that the greenhouse gases would come out of
 18 the Oklahoma Regulations if they were
 19 stayed or vacated on the federal level.
 20 And how you all feel about -- yes, we've
 21 got -- yes, Rob, and then have put this in
 22 here but do we want to add a whole other
 23 little caveat in there that just really
 24 spells it out? I mean it might be
 25 redundant but would it make it really --

1 make it very clear for everybody?
 2 Thoughts?
 3 MR. HAUGHT: I think it's very
 4 important that this really be clear.
 5 MS. LODES: And that is my
 6 biggest concern as well. And so, I mean,
 7 if you all -- would you all want Rob --
 8 let's go ahead, Rob, and read that
 9 language.
 10 MR. SINGLETARY: Sure. It would
 11 actually go I guess under the PSD
 12 definition of subject to regulation, you
 13 would have to make a subsection (f) right
 14 under the 8-2 definition. It would just be
 15 a subsection (C) and the language would
 16 read as follows -- and we actually have it
 17 typed out for the Council.
 18 What the language is -- it would be
 19 Subsection (C), if the federal court stays,
 20 invalidates, or otherwise renders
 21 unenforceable by the U.S. EPA in whole or
 22 in part, the EPA's Tailoring Rule -- and we
 23 cite where the Tailoring Rule is -- their
 24 endangerment finding, the citation, or the
 25 light-duty vehicle greenhouse gas emission

1 standard, the citation, in this definition
 2 shall be enforceable only to the extent
 3 that it is enforceable by U.S. EPA.
 4 MR. GAMBLE: Yeah. That sounds
 5 really good.
 6 MS. LODES: Okay.
 7 MR. GAMBLE: It doesn't sound
 8 like there is any question about it.
 9 MS. LODES: And this is something
 10 that in the pre-Council meeting yesterday
 11 that Jim and I discussed with the Agency,
 12 is as Rob added the language that's in
 13 yellow to try and help make it clear, but
 14 then he would also -- was going to propose
 15 something like this, which in some respects
 16 maybe seem as redundant but it does make it
 17 very clear. And that's if you all want to
 18 add that.
 19 MS. MYERS: That would be added
 20 into Paragraph (C) that's in the existing
 21 copy or that we added in?
 22 MS. LODES: Right.
 23 MR. HAUGHT: What was it again, I
 24 didn't catch what's been added --
 25 MR. SINGLETARY: Yes, it would be

1 (C) under the definition of "subject to
2 regulation" in 8-2. And it would be
3 Subsection (f) in the (B) and (C)
4 definition of "subject to regulation".
5 MS. LODES: Okay.
6 MR. SINGLETARY: Which is A-31.
7
8 MS. LODES: Okay.
9 MS. MYERS: I think that would
10 certainly help clarify --
11 MS. LODES: Okay.
12 MS. MYERS: -- simplify.
13 MS. LODES: It lays it out. Any
14 other -- are there any other questions from
15 the Council on this? Good.
16 MS. BOTCHLET-SMITH: Okay. I
17 have one person from the public that
18 indicated he wanted to comment. Grover, I
19 can't see you but do you still want to --
20 you're going to pass? Okay.
21 Steve, did you want to make a
22 comment?
23 MR. MASON: My name is Steve
24 Mason and I have the pleasure of serving on
25 the DEQ Board. Thanks for your guys

1 service on what is a very difficult topic.
2
3 Earlier Eddie mentioned about the
4 fee issues. I serve on the Budget
5 Committee with Steve Thompson that's laying
6 kind of this message that you guys are
7 hearing. And as Eddie said it's hard to
8 charge people with an investigative
9 complaint. And then we're also dealing
10 with small communities that it's very
11 difficult to provide quality drinking water
12 in small communities, and that's a lot of
13 where this fee pressure is coming from
14 because of the legislative pressure in our
15 appropriation.
16 My question about these rules is,
17 typically when the Board gets a rule that's
18 emergency, it always has a permanent link
19 to it. And it's -- from a Board
20 perspective it's interesting to me that
21 we're not getting a permanent rule, just --
22 when things happen, whether it's the
23 weather trying to get a permanent done, or
24 the Council's mood changes, so I'm curious
25 why we don't have a permanent connected to

1 it?
2 MS. LODES: There is --
3 MR. BRANECKY: There is one.
4 MS. LODES: There is a permanent
5 rule though that will be discussed, I think
6 -- is it the next -- it's the next item on
7 the agenda. Or it's --
8 MR. MASON: So that's next?
9 MS. LODES: Yeah. It's --
10 MS. BOTCHLET-SMITH: We're voting
11 on them separately.
12 MR. MASON: Okay. My second
13 question is, I understand Joyce's point
14 that we need to pass this to increase the
15 threshold to protect small businesses. I'm
16 curious how, you know -- Texas sent a very
17 ugly letter to EPA, I think, about this
18 rule, Eddie, and how Texas is managing this
19 situation. Are they just not going to
20 promulgate rules and do we have that
21 opportunity also?
22 MR. TERRILL: Well, for one thing
23 Texas has got more lawyers than I've got
24 staff. That's one reason that Texas can do
25 that. And they are taking the political

1 position that EPA doesn't have the
2 authority to regulate greenhouse gases and
3 they feel like that they've got the
4 political clout and the legal authority on
5 their side to prove that in a court of law.
6 I do know that I've heard that they have
7 some of their sources that aren't quite as
8 confident that they are going to be able to
9 win that and they would like to be
10 permitted but the Agency is refusing to do
11 that. So the way we've looked at this, we
12 thought about a lot of different scenarios;
13 not bringing this at all. At the end of
14 the day we feel like we owe it to the
15 regulated community and the sources that we
16 permit to have an avenue for them to
17 continue with their business as best they
18 can dealing with us and not dealing with
19 EPA and not having this uncertainty as to
20 what would happen if they move forward and
21 we tried to issue them a permit without the
22 ability that the Tailoring Rule gives us.
23 And I don't have any idea how Texas is
24 going to deal with citizens suit in the
25 event that they try to move forward; if a

1 facility wants to get permitted and they
2 refuse to consider greenhouse gases, and
3 someone sues them, so there are just so
4 many things that we felt like folks with a
5 lot deeper pockets than we had would sort
6 out at the federal level. We just wanted
7 to provide some clarification for the
8 regulated community and the sources we
9 permit so that they can continue with
10 business as usual. And maybe word will get
11 out that we've got a better situation here
12 in Oklahoma and maybe some of those Texas
13 companies will come here.

14 But we did think about that, Steve.
15 It's just that we felt like that we just
16 didn't have the resources to deal with it
17 and we just felt like we would let that
18 play out and we would just try to give our
19 sources a way to continue on with their
20 activities.

21 MS. BOTCHLET-SMITH: Any other
22 comments from the public? Steve? Other
23 Steve.

24 MR. WARE: Steve Ware, with Holly
25 Corporation.

1 Just real quick, there was a lot of
2 talk about the lawsuits. Senator
3 Rockefeller has once again tried to push to
4 delay the greenhouse gas rules. Is there
5 anything in these revisions that won't go
6 away if Rockefeller is able to -- if the
7 Rockefeller bill passes and we are allowed
8 to delay the greenhouse gas limitation for
9 two years?

10 MS. LODES: Well, that's the
11 purpose but if it's a delay and not a
12 vacate or a stay -- Rob? Because we have a
13 lot of trigger dates in here. That's a
14 good point.

15 MR. SINGLETARY: Well, if it is
16 delayed by a federal court, I think that
17 would be covered by the provisions that we
18 have in here, or otherwise renders
19 unenforceable by the U.S. EPA. If it's the
20 legislation, the way we have this written
21 now it's -- it would not -- the language
22 that I just read to you, that revision
23 language, but I still think with that prior
24 language it wouldn't be an effective
25 federal regulation at that time so we could

1 still use that introductory language --

2 MS. LODES: Okay.

3 MR. SINGLETARY: -- in the
4 subject to regulation definition to not
5 enforce it or not to recognize it as
6 regulated air pollutant.

7 MS. LODES: Okay. So if we have
8 it in both locations if there is something
9 done on the legislation side, you think
10 that between the two that covers us?

11 MR. SINGLETARY: I think it
12 should. We can always try and craft some
13 more language in that second provision to
14 include not only federal court stays but
15 also legislative delays or -- I still think
16 it would render it ineffective, the
17 regulation, and therefore we could go
18 through that introductory language to
19 exclude it.

20 MR. TERRILL: But rather than try
21 to craft something in addition to deal with
22 that possible situation, the reality is
23 that if EPA acts on this SIP amendment in
24 the time frame that they think they can,
25 I'll be shocked. They never have before.

1 And before they could act on it, if this is
2 going to play out like Steve says, I
3 suspect it will happen relatively soon
4 after the elections. I can't imagine they
5 would let it drag on to January. I think
6 they will make that play. So I think we'll
7 have plenty of time as far as being able to
8 react and not send this down to EPA for SIP
9 approval, because we've still got some
10 deadlines. So I would rather not try to
11 craft anything in addition to what we've
12 already proposed. But we'll just see how
13 it plays out and react from there.

14 MR. SINGLETARY: And this is
15 obviously emergency language, so like we
16 discussed before, this is going to expire
17 and we couldn't submit this down as part of
18 our SIP revision anyway. It can't be in
19 emergency rules, it's got to be a permanent
20 rule, and since we haven't even -- you
21 know, we're not asking you to vote --

22 MS. LODES: Okay.

23 MR. SINGLETARY: -- or to --
24 we're going to ask you to continue the
25 consideration on the emergency --the

1 permanent rule, so we'll have time, like
2 Eddie said, if a decision does come down
3 from Washington then we can kind of tinker
4 with the language some more.

5 MS. LODES: Okay. That was going
6 to be my next question. If we've got this
7 in the emergency rule, when we go to do a
8 permanent rule we can tweak that more for
9 January or --

10 MR. SINGLETARY: Absolutely.

11 MS. LODES: Okay.

12 MR. SINGLETARY: That's the whole
13 reason we didn't want to present the
14 permanent rule today, to give us a little
15 more time to consider everything.

16 MR. BRANECKY: Does that present
17 a problem then to the Board? If we pass an
18 emergency rule today I assume that would go
19 to the Board at November meeting, without a
20 permanent rule? The permanent rule would
21 then follow theoretically at the February
22 Board meeting? That's what I'm hearing?

23 MS. LODES: Steve.

24 MR. MASON: That's not what I
25 heard. I thought I heard we're going to

1 pass a permanent rule.

2 MS. LODES: No.

3 MR. BRANECKY: No. They're
4 asking us now to continue the permanent
5 rule to the January Council meeting.

6 MR. SINGLETARY: That's correct.
7 We're going to present the permanent rule
8 for consideration and discussion but we
9 weren't planning on asking you to actually
10 vote on it.

11 MR. BRANECKY: So you would have
12 the emergency rule at the November Board
13 meeting and a permanent rule at the
14 February Board meeting.

15 MR. MASON: Sure, we can do that,
16 if there's no snowstorms and you all meet.
17 I mean that's why I made the comment when I
18 was looking over the agenda, that's the
19 risk if you separate the two. And if
20 something doesn't get done and this rule
21 disappears July 1, so to speak, and --

22 MS. LODES: I guess.

23 MR. MASON: -- that's the risk
24 you all have to decide by.

25 MS. LODES: I mean if there is a

1 snowstorm, then we'll just have to
2 reschedule and do an emergency meeting
3 quickly in January to make sure it's
4 covered for February -- February Board
5 meeting.

6 MR. TERRILL: I'll promise you
7 with our fees on that same agenda, we will
8 figure out a way to get that before the
9 Board if we have to go to Broken Bow to do
10 it.

11 MS. BRADLEY: This is Cheryl
12 Bradley. There's a reason why he split
13 these two. We have waited and waited for
14 EPA to finish their rulemaking on
15 implementation for the PM 2.5 rules. The
16 changes proposed for greenhouse gases and
17 for PM 2.5 effect exactly the same
18 sections, and if we push forward with the
19 greenhouse gas rules as a permanent rule,
20 it will keep us from promulgating the PM
21 2.5 changes that we need to make. So,
22 therefore, we have uncoupled the emergency
23 and permanent rule so that we can
24 accomplish as much as we need to do in the
25 most expeditious manner. So we understand

1 that there is an issue. Typically you see
2 a permanent and an emergency rule
3 simultaneously but because of this -- of
4 the changes to the PM 2.5 rule it just
5 wasn't possible. And because EPA delayed
6 almost three years in actually promulgating
7 those final rules we are butting up against
8 a three-year deadline in order to modify
9 our PSD permit program and Part 70
10 requirements. And it primarily impacts PSD
11 but we're doing -- we're being as diligent
12 and conscientious as we possibly can in
13 order to ensure that our State rules are
14 consistent with federal requirements in an
15 effort to close the SIP gaps that have come
16 about. So we feel in that way we're better
17 serving Oklahoma and the industries that
18 have to be permitted under our rules.

19 MS. MYERS: Okay. I've got an
20 observation. Typically, everything,
21 everybody, starts slowing down somewhere
22 around the 1st to the middle of November
23 and the rest of the year is pretty much
24 lost due to holidays, vacations, whatever.
25 Are we going to have the information that

1 is necessary for the rest of the permanent
2 rule to be promulgated, based on what
3 Cheryl just said with the PM 2.5?

4 DR. SHEEDY: The information to
5 finish the greenhouse gas and the PM 2.5,
6 we think so. We think we can -- that's
7 certainly our plan. We've got the
8 greenhouse -- the PM 2.5 has been
9 promulgated. We have the numbers, we just
10 couldn't advertise it because we didn't
11 have them in time and we'll have to make a
12 few changes to the place holders we put in
13 the -- because they are not exactly the
14 same, but it's close. And we think we can
15 do it, yes.

16 MS. LODES: Okay. We are -- are
17 there any other -- are there any further
18 questions from the Council?

19 MR. HAUGHT: Would we be more
20 comfortable trying to put some language
21 into what was presented to address that --
22 maybe a legislative delay into this
23 paragraph that was submitted to us and
24 insert it so that -- it kind of goes beyond
25 the Court stays or vacates, any of these

1 pieces of legislation or findings that
2 would address a delay.

3 MS. MYERS: This only addresses
4 the court side of it.

5 MR. HAUGHT: Yeah. I think we
6 could take a few minutes to add some
7 language that, you know, some legislative
8 body -- federal legislative body or federal
9 legislation or a federal regulatory
10 authority delays, inserted in here. I
11 don't know. We need to see what kind of
12 language would, you know, be appropriate in
13 there. But maybe we could address that
14 concern and go ahead and get this section,
15 at least, cleaned up.

16 MS. BOTCHLET-SMITH: If I could
17 just suggest -- I'm getting signals from
18 the court reporter that she really needs a
19 break. Her fingers get tired, you know.
20 So if we're going to do that --

21 MS. LODES: Yes.

22 MS. BOTCHLET-SMITH: -- if we're
23 going to take a break, there's a couple of
24 rules down the road, but this would be a
25 good time for us to consider that if we're

1 going to make any changes.

2 MS. LODES: That was going to be
3 my suggestion. Let's take a 15 minute
4 break and then, Rob, we'll grab you over
5 here and we can maybe make some revisions
6 to that proposal before we bring a motion.

7
8 MR. SINGLETARY: Okay.

9 MS. LODES: Okay.

10 (Break)

11 MS. LODES: We'll go ahead and --
12 I know we've had some further questions and
13 some comments and discussion over here.

14 Jim, do you want to read the
15 language that we've come up with to the
16 Council?

17 MR. HAUGHT: Yeah.

18 (Clarifying Comments)

19 MS. LODES: Well, I want to see
20 if there is -- I was going to let the
21 Council hear the language before we start
22 to do a motion.

23 MR. HAUGHT: Okay. What's being
24 proposed to address those concerns that it
25 be clear that the state rule wouldn't go

1 beyond what the federal rule is enforceable
2 at that time. What's going to be
3 recommended is the addition to the
4 definition of "subject to regulation" the
5 following:

6 If Federal Legislation or a Federal
7 Court stays, invalidates, delays the
8 effective date or otherwise renders
9 unenforceable by the U.S. EPA in whole or
10 in part, the EPA's Tailoring Rule, and it
11 has a citation, endangerment finding, with
12 a citation, for light duty vehicle
13 greenhouse gas emission standard, with a
14 citation, this definition shall be
15 enforceable only to the extent that it is
16 enforceable by the U.S. EPA.

17 The intent is to try to address the
18 concerns that this state rule doesn't go
19 beyond what is happening on the federal
20 level at that point.

21 MS. MYERS: I like that clarity.

22
23 MS. LODES: Is there -- are there
24 any additional questions from the Council
25 on this? Comments? Okay.

1 MS. MYERS: Are we ready for a
2 motion?

3 MS. LODES: If there are no
4 additional comments we're ready for a
5 motion.

6 MR. HAUGHT: Okay.

7 MS. LODES: Just do all of that.

8 MR. BRANECKY: Just trying to
9 capture everything, that's going to be the
10 hard part.

11 MS. LODES: I think you've got it
12 written down.

13 MR. HAUGHT: Yeah. If you will
14 bear with me on this.

15 I'd like to make a motion that the
16 Council approve the proposed changes to
17 Subchapter 8, Part 5 related to greenhouse
18 gases with the following -- as submitted by
19 Council with the following changes.

20 In 252:100-8-2 Definitions, under
21 the definition of "subject to regulation"
22 add language in (a) that -- at the end of
23 the definition it was noticed in a -- where
24 it says greenhouse gas emissions --
25 greenhouse gas should not be subject to

1 regulation unless -- and that's of July 1,
2 2011, the GHG emissions are a stationary
3 source emitting or having the potential to
4 emit 100,000 tons per year of CO2
5 equivalent emissions CO2e, add, and are
6 otherwise subject to regulation as
7 previously described in this definition.

8 That same definition add a
9 subsection -- or add a Paragraph (C) that
10 would read what we read before: If
11 federal legislation or a federal court
12 stays, invalidates, delays the effective
13 date or otherwise renders unenforceable by
14 the U.S. EPA in whole or in part the EPA's
15 Tailoring Rule, citation, endangerment
16 finding, citation, or light duty vehicle
17 greenhouse gas emissions standards,
18 citation, this definition shall be
19 enforceable only to the extent that it is
20 enforceable by U.S. EPA.

21 In addition in Part 7, prevention of
22 a significant deterioration requirements
23 for attainment areas. 252:100-8-31 the
24 Definitions. Under the definition of
25 "regulated NSR pollutant" changes that were

1 noticed by the Agency struck the term in
2 8-4. It should read, "any pollutant that
3 otherwise is subject to regulation under
4 the act as defined in OAC 252:100-8-31. I
5 believe what was noticed had "under the
6 act" struck and we want to insert that back
7 in.

8 The same section of 252:100-8-31
9 Definition of subject to regulation; under
10 (B) -- no, excuse me. Under (C) at the end
11 of the definition -- at the end of that
12 paragraph add back in the addition that we
13 have done previously. So at the end of
14 that paragraph add the words, "and are
15 otherwise subject to regulation as
16 previously described in this definition";
17 the same change we made in Subparagraph 2
18 previously.

19 And in addition to that same
20 definition in 252:100-8-31 under "subject
21 to regulation" add as Paragraph (F) what we
22 added previously to -- as Paragraph (C)
23 under the definition previously under 2. I
24 don't know if I need to read that again or
25 not. But the same addition that we wanted

1 to add previously, if federal legislation
2 or a federal court stays, invalidates, or
3 delays the effective date, or otherwise
4 renders unenforceable by U.S. EPA, in whole
5 or part, EPA's Tailoring Rule with the
6 citation, endangerment finding, with the
7 citation, or light-duty vehicle greenhouse
8 gas emissions standard, with a citation,
9 this definition shall be enforceable only
10 to the extent it is enforceable by U.S.
11 EPA.

12 MS. MYERS: Do you want to repeat
13 that?

14 (Laughter)

15 MS. LODES: As an emergency rule.

16
17 MR. HAUGHT: Oh, yeah. As an
18 emergency rule.

19 MS. LODES: I have a motion. Do
20 I have a second?

21 (Comments between Members)

22 MR. HAUGHT: With the addition of
23 the definition of greenhouse gas,
24 Subchapter 1, 252:100-1-3 Definitions, add
25 greenhouse gas or GHG means the

1 air-pollutant defined in 40 CFR
 2 86.1818-12(a) as the aggregate group of six
 3 greenhouse gases, carbon dioxide, nitrous
 4 oxide, methane, hydrofluorocarbons,
 5 perfluorocarbons, and sulfur hexachloride
 6 all to be included in the emergency rule.
 7 MR. BRANECKY: One more. I just
 8 want to make sure under Subchapter 8 it was
 9 everything that's in your proposal, is
 10 everything that was noticed because under
 11 Page 3 in Part (b) there is an addition,
 12 some language that was added I don't think
 13 was referenced, so I just want to make sure
 14 everything that was noticed by DEQ should
 15 be included in your proposal.
 16 MS. MYERS: With the
 17 modifications as read.
 18 MR. BRANECKY: Right.
 19 MR. HAUGHT: I think that was the
 20 motion that the --
 21 MR. BRANECKY: Was that the
 22 motion?
 23 MR. HAUGHT: Yeah.
 24 MR. BRANECKY: Okay. I just
 25 wanted to make sure we covered everything.

1 MR. CLARK: Yes.
 2 MS. BRUCE: Laura Lodes.
 3 MS. LODES: Yes.
 4 MS. BRUCE: Motion passed. Thank
 5 you.
 6
 7 (Item 5B Concluded)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1
 2 MR. HAUGHT: Yeah. As proposed
 3 with those modifications.
 4 MR. BRANECKY: Okay.
 5 MS. LODES: I have a motion. Do
 6 I have a second?
 7 MR. BRANECKY: You bet. Second.
 8 MS. LODES: I have a motion and a
 9 second.
 10 Myrna, will you please call roll?
 11 MS. BRUCE: Bob Lynch.
 12 DR. LYNCH: Yes.
 13 MS. BRUCE: Pete White.
 14 MR. WHITE: Yes.
 15 MS. BRUCE: David Branecky.
 16 MR. BRANECKY: Yes.
 17 MS. BRUCE: Jim Haught.
 18 MR. HAUGHT: Yes.
 19 MS. BRUCE: Sharon Myers.
 20 MS. MYERS: Yes.
 21 MS. BRUCE: Gary Collins.
 22 MR. COLLINS: Yes.
 23 MS. BRUCE: David Gamble
 24 MR. GAMBLE: Yes.
 25 MS. BRUCE: Montelle Clark.

1
 2 CERTIFICATE.
 3 STATE OF OKLAHOMA)
 4 COUNTY OF OKLAHOMA) ss:
 5 I, CHRISTY A. MYERS, Certified
 6 Shorthand Reporter in and for the State of
 7 Oklahoma, do hereby certify that the above
 8 meeting is the truth, the whole truth, and
 9 nothing but the truth; that the foregoing
 10 meeting was tape recorded and thereafter
 11 transcribed by me; that said meeting was
 12 taken on the 27th day of October, 2010, at
 13 Oklahoma City, Oklahoma; and that I am
 14 neither attorney for, nor relative of any
 15 of said parties, nor otherwise interested
 16 in said action.
 17 IN WITNESS WHEREOF, I have hereunto
 18 set my hand and official seal on this, the
 19 29th day of October, 2010.
 20
 21
 22 CHRISTY A. MYERS, C.S.R.
 23 Certificate No. 00310
 24
 25

-0-	70 [20] 5:7,19 7:2,7,23 8:9 8:12,19,24 9:6,16 11:25 12:9 13:4 14:20,24 15:10 15:16 16:3 37:9	ahead [3] 24:8 39:14 40:11	bill [1] 31:7	check [1] 18:19
00310 [1] 49:22	75,000 [2] 8:1 22:10	air [15] 1:11 5:11 6:5,19 7:15 9:1,25 10:6 11:18 12:4,4,21 14:22 21:3 32:6	bit [2] 16:22 23:4	Cheryl [3] 2:17 36:11 38:3
-1-	-8-	air-pollutant [1] 46:1	Board [12] 16:24 17:12 26:25 27:17,19 34:17,19 34:22 35:12,14 36:4,9	CHRISTY [2] 49:5,21
1 [8] 5:18 8:17 12:24 14:18 16:9 35:21 43:1 45:24	8 [5] 5:19 9:14 16:10 42:17 46:8	allowed [1] 31:7	Bob [2] 3:7 47:11	citation [11] 24:24 25:1 41:11,12,14 43:15,16,18 45:6,7,8
100 [2] 7:4 14:16	8-2 [3] 22:20 24:14 26:2	almost [1] 37:6	body [2] 39:8,8	cite [1] 24:23
100,000 [2] 7:24 43:4	8-4 [1] 44:2	alternative [1] 23:9	BOTCHLET-SMITH [10] 2:15 5:3 16:17 19:19 19:23 26:16 28:10 30:21 39:16,22	citizens [1] 29:24
111 [1] 11:5	86.1818-12 [1] 46:2	always [2] 27:18 32:12	Bow [1] 36:9	City [2] 1:15 49:13
14th [1] 18:4	-9-	amend [1] 5:11	Bradley [3] 2:17 36:11 36:12	clarification [1] 30:7
15 [4] 6:13 21:14,16 40:3	-A-	amendment [1] 32:23	Branecky [23] 2:11 3:12 3:13 16:20 17:15,19,23 18:5 19:10,18 28:3 34:16 35:3,11 42:8 46:7,18,21 46:24 47:4,7,15,16	clarify [4] 10:20 12:19 14:6 26:10
16 [1] 13:11	A-31 [1] 26:6	anyway [3] 8:7,18 33:18	break [4] 39:19,23 40:4 40:10	Clarifying [2] 23:6 40:18
18 [1] 13:22	A.M [1] 1:14	applicability [7] 7:23 8:14 9:6,15 11:7 12:9 13:23	bring [1] 40:6	clarity [1] 41:21
1st [1] 37:22	ability [1] 29:22	applicable [5] 10:13 12:22 14:16 21:5,11	bringing [1] 29:13	Clark [5] 2:7 3:22,23 47:25 48:1
-2-	able [3] 29:8 31:6 33:7	applications [1] 8:12	Broken [1] 36:9	clause [1] 23:15
2 [8] 5:15 7:1 8:6 9:5 11:24 15:11 44:17,23	above [2] 22:3 49:7	applies [1] 14:7	Broome [1] 9:25	Clean [5] 6:5 9:1 10:6 12:21 21:3
2.5 [7] 36:15,17,21 37:4 38:3,5,8	Absolutely [1] 34:10	apply [1] 7:3	BRUCE [21] 2:14 3:7,10 3:12,14,16,18,20,22,24 4:1 47:11,13,15,17,19,21 47:23,25 48:2,4	cleaned [1] 39:15
20 [1] 9:24	accomplish [1] 36:24	appropriate [1] 39:12	Budget [1] 27:4	clear [6] 23:16 24:1,4 25:13,17 40:25
2007 [1] 6:3	act [14] 6:5 9:1 10:7 11:1 11:5 12:22 13:13,18 17:16 17:18 21:4 33:1 44:4,6	appropriation [1] 27:15	built [1] 19:5	close [2] 37:15 38:14
2009 [2] 6:13 15:4	acted [1] 19:11	approval [1] 33:9	burden [2] 7:18 15:19	clout [1] 29:4
2010 [6] 1:14 7:21 9:24 15:6 49:12,19	action [1] 49:16	approve [1] 42:16	business [2] 29:17 30:10	CO2 [2] 7:24 43:4
2011 [10] 5:15 7:1 8:6,17 9:5 11:24 15:11 18:4 19:9 43:2	activities [1] 30:20	approved [4] 16:16 17:18,19 19:15	businesses [1] 28:15	CO2e [3] 7:25 8:1 43:5
250 [1] 7:5	acts [1] 32:23	approves [1] 17:12	butting [1] 37:7	codified [2] 12:23 21:5
252:100-1 [2] 5:5 14:15	add [17] 12:6 13:19 14:1 22:14,19 23:22 25:18 39:6 42:22 43:5,8,9 44:12,14 44:21 45:1,24	areas [1] 43:23		Collins [5] 2:9 3:18,19 47:21,22
252:100-1-3 [1] 45:24	added [11] 7:25 11:11 20:6 21:21 23:2 25:12,19 25:21,24 44:22 46:12	assume [1] 34:18	-C-	combination [1] 6:21
252:100-8 [2] 5:6 16:13	adding [1] 12:13	Assuming [1] 18:5	C [16] 12:23 21:24 22:5,8 22:14,19 24:15,19 25:20 26:1,3 43:9 44:10,22 49:2 49:2	comfortable [1] 38:20
252:100-8-2 [3] 10:10 12:1 42:20	addition [11] 8:17 14:16 32:21 33:11 41:3 43:21 44:12,19,25 45:22 46:11	attainment [1] 43:23	C.S.R [1] 49:21	coming [1] 27:13
252:100-8-31 [8] 10:11 13:9,15 16:15 43:23 44:4 44:8,20	additional [2] 41:24 42:4	attorney [1] 49:14	calendar [1] 18:16	comment [4] 9:23 26:18 26:22 35:17
25th [1] 10:1	additions [1] 16:11	audience [1] 19:24	capture [1] 42:9	comments [9] 9:25 11:17 12:11 30:22 40:13,18 41:25 42:4 45:21
27 [1] 1:14	addresses [1] 39:3	authorities [1] 9:11	carbon [2] 5:21 46:3	commercial [1] 7:13
27th [2] 15:4 49:12	adopt [1] 11:22	authority [3] 29:2,4 39:10	case [3] 11:14 17:4,6	Committee [1] 27:5
29th [1] 49:19	adopts [1] 11:9	automatically [2] 9:2 10:15	catch [1] 25:24	communities [2] 27:10 27:12
-3-	address [6] 23:11 38:21 39:2,13 40:24 41:17	available [1] 10:20	categories [1] 6:1	community [2] 29:15 30:8
3 [5] 7:21 12:1 14:18 15:6 46:11	addresses [1] 39:3	avenue [1] 29:16	caveat [1] 23:23	companies [1] 30:13
-4-	addition [2] 41:24 42:4	away [1] 31:6	certain [1] 11:13	complaint [1] 27:9
40 [2] 12:24 46:1	additions [1] 16:11	-B-	certainly [2] 26:10 38:7	concern [3] 20:16 24:6 39:14
45 [1] 17:11	address [6] 23:11 38:21 39:2,13 40:24 41:17	b [4] 12:2 26:3 44:10 46:11	Certificate [1] 49:22	concerning [1] 11:21
-5-	addresses [1] 39:3	based [4] 8:9 12:11 21:2 38:2	Certified [1] 49:5	concerns [3] 23:9 40:24 41:18
5 [2] 9:14 42:17	adopt [1] 11:22	bear [1] 42:14	certify [1] 49:7	Concluded [1] 48:7
5B [4] 1:13 5:1,4 48:7	adopts [1] 11:9	become [3] 5:14 8:16 16:6	CFR [2] 12:24 46:1	conclusion [1] 23:5
-6-	advertise [1] 38:10	becomes [3] 9:3 14:22 17:6	Chair [2] 2:3 5:9	confident [1] 29:8
6 [2] 11:19 12:6	afforded [1] 15:19	becoming [2] 6:25 7:7	challenging [1] 10:5	connected [1] 27:25
-7-	again [4] 14:5 25:23 31:3 44:24	believes [1] 11:6	change [2] 12:12 44:17	conscientious [1] 37:12
7 [2] 9:14 43:21	against [1] 37:7	best [1] 29:17	changes [12] 13:8 16:7 16:16 27:24 36:16,21 37:4 38:12 40:1 42:16,19 43:25	consider [3] 30:2 34:15 39:25
	Agency [3] 25:11 29:10 44:1	bet [1] 47:7	Chapter [2] 12:23 14:16	consideration [2] 33:25 35:8
	agenda [4] 5:4 28:7 35:18 36:7	better [2] 30:11 37:16	charge [1] 27:8	consistent [1] 37:14
	aggregate [1] 46:2	between [2] 32:10 45:21		consists [1] 5:21
	agree [1] 11:14	BEVERLY [1] 2:15		
	agriculture [1] 7:13	beyond [3] 38:24 41:1 41:19		
		biggest [1] 24:6		

pieces [1] 39:1	46:9,15	recognize [1] 32:5	result [3] 7:6 15:25 23:5	sets [1] 7:22
place [2] 19:8 38:12	propose [6] 12:1,6 13:19 14:1,14 25:14	recollection [1] 19:17	resulted [1] 6:24	shall [4] 25:2 41:14 43:18 45:9
plan [1] 38:7	proposed [16] 5:17 9:21 11:16,20 13:9,11 14:19 15:2 16:6,8,11 33:12 36:16 40:24 42:16 47:2	recommended [1] 41:3	review [1] 9:23	Sharon [4] 2:6 3:16 9:25 47:19
planning [1] 35:9	proposes [1] 9:13	Reconsideration [1] 6:21	revision [4] 10:4 13:17 31:22 33:18	Sheedy [10] 2:20 5:7,9 17:3 18:4,7,21,25 19:14 38:4
play [3] 30:18 33:2,6	proposing [3] 5:11 10:17 12:12	recorded [1] 49:10	revisions [8] 5:17 9:21 10:18 11:20,22 14:19 31:5 40:5	shocked [1] 32:25
plays [1] 33:13	protect [1] 28:15	reduce [1] 14:20	revoke [2] 13:5 14:11	Shorthand [1] 49:6
pleasure [1] 26:24	prove [1] 29:5	reduction [1] 16:1	right [4] 22:14 24:13 25:22 46:18	side [3] 29:5 32:9 39:4
plenty [1] 33:7	provide [2] 27:11 30:7	redundant [2] 23:25 25:16	risk [3] 19:12 35:19,23	sign [2] 17:13,22
PM [7] 36:15,17,20 37:4 38:3,5,8	provides [1] 8:4	refer [1] 8:6	road [1] 39:24	signals [1] 39:17
pockets [1] 30:5	provision [6] 10:3 12:21 21:2,3 23:16 32:13	reference [1] 22:1	Rob [7] 19:25 23:21 24:7 24:8 25:12 31:12 40:4	signature [1] 17:2
point [3] 28:13 31:14 41:20	provision-type [1] 20:9	referenced [1] 46:13	ROBERT [1] 2:10	significant [2] 7:25 43:22
political [2] 28:25 29:4	provisions [4] 5:18 11:24 22:2 31:17	refuse [1] 30:2	Robinson [1] 11:18	signs [3] 17:7,11 18:17
pollutant [19] 5:20 9:4 10:14,24,25 11:2,3,12 12:4,4,19 13:11,12,14 14:22 16:14 32:6 43:25 44:2	PSD [24] 6:22 7:2,7,22 8:1 8:8,12,19,23 9:5,16,20 13:8,23 14:9,20,24 15:10 15:16 16:3 21:17 24:11 37:9,10	refusing [1] 29:10	Rockefeller [3] 31:3,6,7	simplify [1] 26:12
pollutants [2] 6:4 20:25	public [5] 6:7,14 9:22 26:17 30:22	regarding [2] 13:6 14:12	roll [2] 3:6 47:10	simultaneously [1] 37:3
pollution [2] 5:12 6:19	published [2] 6:12 7:20	Region [1] 11:19	rule [59] 5:5,17 7:19,21 8:3,22 9:7,18 11:20,23 15:3,5,15,20 16:16,23,25 17:24 18:6,9 19:3,7 20:18 20:22 24:22,23 27:17,21 28:5,18 29:22 33:20 34:1 34:7,8,14,18,20,20 35:1,5 35:7,12,13,20 36:19,23 37:2,4 38:2 40:25 41:1,10 41:18 43:15 45:5,15,18 46:6	SINGLETARY [32] 17:5,17,21,25 18:10,14 18:18,23 19:2 20:7,15 21:16,19,25 22:5,13,18 22:23 23:3,8 24:10 25:25 26:6 31:15 32:3,11 33:14 33:23 34:10,12 35:6 40:8
portion [1] 20:10	pull [1] 20:13	Register [4] 6:12 7:20 15:3,5	SIP [4] 32:23 33:8,18 37:15	situation [3] 28:19 30:11 32:22
portions [1] 20:6	purpose [1] 31:11	REGULAR [1] 1:12	ruled [2] 6:3 21:11	six [2] 5:21 46:2
position [2] 10:21 29:1	push [2] 31:3 36:18	regulate [2] 10:6 29:2	rulemaking [3] 11:16 15:7 36:14	slowing [1] 37:21
possible [2] 32:22 37:5	put [4] 20:2 23:21 38:12 38:20	regulated [11] 10:14,23 11:12 12:3 13:10 16:14 20:21 29:15 30:8 32:6 43:25	rules [15] 5:12 9:2 15:18 19:11,15 27:16 28:20 31:4 33:19 36:15,19 37:7,13 37:18 39:24	small [4] 15:21 27:10,12 28:15
possibly [1] 37:12	quality [5] 1:2,11 16:24 17:12 27:11	regulation [48] 5:15 7:1 7:15,15,22 9:4 10:10,13 10:16,19 11:1,8 12:5,8,13 12:16,20,22 13:13,15,22 14:23 16:12,15 20:6,10 20:11,24 21:1,5,7,18 22:21,24 24:12 26:2,4 31:25 32:4,17 41:4 42:21 43:1,6 44:3,9,15,21	rules [15] 5:12 9:2 15:18 19:11,15 27:16 28:20 31:4 33:19 36:15,19 37:7,13 37:18 39:24	smaller [2] 9:8 15:12
posted [2] 9:21 10:19	questions [5] 16:18 26:14 38:18 40:12 41:24	regulatory [48] 5:15 7:1 7:15,15,22 9:4 10:10,13 10:16,19 11:1,8 12:5,8,13 12:16,20,22 13:13,15,22 14:23 16:12,15 20:6,10 20:11,24 21:1,5,7,18 22:21,24 24:12 26:2,4 31:25 32:4,17 41:4 42:21 43:1,6 44:3,9,15,21	rules [15] 5:12 9:2 15:18 19:11,15 27:16 28:20 31:4 33:19 36:15,19 37:7,13 37:18 39:24	snowstorm [1] 36:1
potential [2] 7:4 43:3	quick [1] 31:1	regulations [4] 9:1 13:6 14:11 23:18	rulings [2] 13:5 14:11	snowstorms [1] 35:16
pre-Council [1] 25:10	quickly [1] 36:3	regulatory [1] 39:9		someone [1] 30:3
preclude [1] 11:13	quite [1] 29:7	related [1] 42:17		somewhere [1] 37:21
prepare [1] 15:22	quorum [1] 4:1	relating [1] 14:15		soon [2] 17:6 33:3
present [4] 3:23 34:13 34:16 35:7		relative [1] 49:14		sort [1] 30:5
presentation [1] 5:8		relatively [1] 33:3		sound [1] 25:7
presented [1] 38:21		relief [1] 15:18		sounds [1] 25:4
pressure [2] 27:13,14		relieve [1] 7:17		source [3] 8:23 12:3 43:3
pretty [1] 37:23		render [1] 32:16		sources [19] 5:7,19 7:3,6 7:11,12,14 8:7,7,11,18,18 9:8 15:13,22 29:7,15 30:8 30:19
prevent [3] 13:2 14:8,24		renders [5] 24:20 31:18 41:8 43:13 45:4		spare [1] 9:8
prevention [1] 43:21		repeat [1] 45:12		speak [1] 35:21
previously [9] 12:16 20:12 43:7 44:13,16,18 44:22,23 45:1		replace [1] 13:12		specific [1] 23:16
primarily [1] 37:10		replacing [1] 12:3		spells [1] 23:24
problem [1] 34:17		reporter [2] 39:18 49:6		split [1] 36:12
procedural [1] 16:21		require [1] 8:23		ss [1] 49:3
procedures [2] 15:7 19:5		required [5] 6:6 8:11 13:3 14:8,21		staff [4] 2:13 5:8 10:8 28:24
PROCEEDING [1] 3:2		requirement [1] 12:25		standard [6] 11:4,10 20:20 25:1 41:13 45:8
PROCEEDINGS [1] 1:10		requirements [6] 14:3 21:22 22:11 37:10,14 43:22		standards [2] 6:23 43:17
produced [2] 13:6 14:12		requires [1] 12:24		start [1] 40:21
program [8] 8:4 9:19 11:25 13:4,8,25 14:10 37:9		reschedule [1] 36:2		starts [1] 37:21
programs [7] 7:3 9:17 14:25 15:1,17 16:3,5		residential [1] 7:14		state [11] 1:3 13:2 14:8 14:24 15:17 20:21 37:13
promise [1] 36:6		resources [1] 30:16		
promulgate [2] 15:8 28:20		respects [1] 25:15		
promulgated [7] 7:18 11:3,4 15:4 19:4 38:2,9		rest [2] 37:23 38:1		
promulgating [2] 36:20 37:6				
proposal [4] 5:5 40:6				

40:25 41:18 49:3,6 State's [2] 15:7 16:3 stationary [2] 7:3 43:2 stay [3] 13:5 14:10 31:12 stayed [1] 23:19 stays [6] 24:19 32:14 38:25 41:7 43:12 45:2 step [2] 8:5,16 steps [1] 8:4 Steve [9] 26:21,23 27:5 30:14,22,23,24 33:2 34:23 still [10] 15:15 17:7 20:20 22:9 23:8 26:19 31:23 32:1,15 33:9 stringent [2] 14:25 16:4 struck [2] 44:1,6 stuck [2] 20:20 22:9 Subchapter [10] 5:18,19 9:14 12:23 14:18 16:9,10 42:17 45:24 46:8 subject [48] 5:15 6:25 7:7 7:15,21 8:8,19 9:4 10:9 10:16,18,25 11:4,8 12:4,7 12:13,16,20,20 13:13,14 13:21 14:22 15:15 16:12 16:14 20:5,10,11,24,25 21:8,18 22:21,24 24:12 26:1,4 32:4 41:4 42:21,25 43:6 44:3,9,15,20 submit [2] 15:22 33:17 submitted [2] 38:23 42:18 subparagraph [3] 12:15 14:2 44:17 subsection [5] 24:13,15 24:19 26:3 43:9 such [1] 7:8 sues [1] 30:3 suggest [1] 39:17 suggested [2] 10:2 11:11 suggestion [1] 40:3 suit [1] 29:24 sulfur [2] 5:23 46:5 sunset [2] 20:9 23:15 sunsetting [1] 10:3 support [1] 11:19 Supreme [1] 6:3 suspect [1] 33:3	theoretically [1] 34:21 thereafter [1] 49:10 therefore [2] 32:17 36:22 they've [1] 29:3 Thompson [1] 27:5 thought [2] 29:12 34:25 Thoughts [1] 24:2 thousands [1] 7:6 three [2] 5:11 37:6 three-year [1] 37:8 threshold [3] 8:14 12:9 28:15 thresholds [7] 7:23 9:6 9:15 11:7 13:23 15:10,16 through [3] 20:21 22:8 32:18 timely [1] 7:10 tinker [1] 34:3 tired [1] 39:19 today [5] 5:4,10 10:17 34:14,18 tons [5] 7:5,24 8:1 22:10 43:4 too [1] 6:9 topic [1] 27:1 transcribed [1] 49:11 TRANSCRIPT [1] 1:10 tried [2] 29:21 31:3 trigger [1] 31:13 truth [3] 49:8,8,9 try [8] 23:10 25:13 29:25 30:18 32:12,20 33:10 41:17 trying [4] 22:8 27:23 38:20 42:8 tweak [1] 34:8 two [6] 5:25 8:4 31:9 32:10 35:19 36:13 two-step [2] 9:19 13:24 typed [1] 24:17 typically [5] 19:11,14 27:17 37:1,20	up [4] 20:1 37:7 39:15 40:15 usual [1] 30:10		
<hr/> -T- <hr/> T [2] 49:2,2 Tailoring [16] 7:19 8:3 8:22 9:7,18 11:23 15:3,15 15:20 20:18 24:22,23 29:22 41:10 43:15 45:5 taking [1] 28:25 tape [1] 49:10 term [2] 12:7 44:1 Terrill [5] 2:16 23:7 28:22 32:20 36:6 Texas [6] 28:16,18,23,24 29:23 30:12 Thank [3] 4:2 19:18 48:4 Thanks [1] 26:25	<hr/> -U- <hr/> U.S. [9] 24:21 25:3 31:19 41:9,16 43:14,20 45:4,10 ugly [1] 28:17 unable [1] 7:10 uncertain [1] 6:9 uncertainty [1] 29:19 uncoupled [1] 36:22 under [22] 10:6 11:1,4 13:13,18 15:6 21:17 24:11 24:14 26:1 37:18 42:20 43:24 44:3,5,9,10,20,23 44:23 46:8,10 underlying [1] 10:12 understand [4] 16:21 20:5 28:13 36:25 unenforceable [5] 24:21 31:19 41:9 43:13 45:4 unless [1] 43:1	<hr/> -V- <hr/> vacate [1] 31:12 vacated [1] 23:19 vacates [1] 38:25 vacations [1] 37:24 validate [1] 20:17 vehicle [7] 6:17 20:19,19 24:25 41:12 43:16 45:7 vehicles [2] 6:17,24 VICE-CHAIR [1] 2:4 void [1] 17:9 vote [2] 33:21 35:10 voting [1] 28:10		
	<hr/> -W- <hr/> waited [2] 36:13,13 wants [1] 30:1 Ware [2] 30:24,24 Washington [1] 34:3 water [1] 27:11 weather [1] 27:23 web [1] 10:19 website [1] 9:22 welfare [2] 6:8,15 WHEREOF [1] 49:17 White [5] 2:5 3:10,11 47:13,14 whole [7] 23:22 24:21 34:12 41:9 43:14 45:4 49:8 win [1] 29:9 without [2] 29:21 34:19 WITNESS [1] 49:17 word [1] 30:10 wording [1] 21:24 words [3] 12:3 13:19 44:14 written [2] 31:20 42:12			
	<hr/> -Y- <hr/> year [7] 7:5,24 8:1 18:2 18:17 37:23 43:4 years [2] 31:9 37:6 yellow [1] 25:13 yesterday [1] 25:10			

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL

REGULAR MEETING

HELD ON OCTOBER 27, 2010

AT 9:00 AM

ITEM 5C

IN OKLAHOMA CITY, OKLAHOMA

* * * * *

MYERS REPORTING SERVICE

ORIGINAL

MEMBERS OF THE COUNCIL

1
2
3 LAURA LODES, CHAIR
4 JIM HAUGHT, VICE-CHAIR
5 PETE WHITE, MEMBER
6 SHARON MYERS, MEMBER
7 MONTELLE CLARK, MEMBER
8 DAVID GAMBLE, MEMBER
9 GARY COLLINS, MEMBER
10 ROBERT LYNCH, MEMBER
11 DAVID BRANECKY, MEMBER

DEQ STAFF

12
13
14 MYRNA BRUCE
15 BEVERLY BOTCHLET-SMITH
16 EDDIE TERRILL
17 CHERYL BRADLEY
18 NANCY MARSHMENT
19 DIANA HINSON
20 JOYCE SHEEDY
21
22
23
24
25

ITEM 5C

1
2
3
4 MS. BOTCHLET-SMITH: The next
5 item on the Agenda is Number 5C. This is
6 an emergency and permanent rule proposal
7 for OAC 252:100-7 Permits for Minor
8 Facilities, and Dr. Joyce Sheedy will also
9 make this presentation.

10 DR. SHEEDY: Madam Chair, Members
11 of the Council, ladies and gentlemen, the
12 staff is proposing to make modifications to
13 the minor facility permit program rules in
14 Subchapter 7 to ensure that the State
15 permitting rules are not more stringent
16 regarding greenhouse gas emissions than
17 the federal permit programs. When the new
18 light duty vehicle greenhouse gas standards
19 become effective on January 2, 2011,
20 greenhouse gas will become a regulated
21 pollutant and as such will become subject
22 to State and Federal Air Permit Programs.
23 An overwhelming number of greenhouse gas
24 sources could become subject to the State's
25 Air Permitting Program unless steps are

1 taken to prevent it. While the federal
2 Clean Air Act does not require that minor
3 sources or that the minor source programs
4 apply to greenhouse gas, Subchapter 7, the
5 State's minor facility permit rule could be
6 interpreted to require minor facility
7 permits for industrial, commercial, and
8 residential sources that emit or have the
9 potential to emit more than 40 tons a year
10 of greenhouse gas. Many of these types of
11 facilities have not been subject to the air
12 permitting programs before.

13 To prevent what would be an
14 overwhelming number of permit applications
15 for small greenhouse gas sources from
16 clogging our permitting programs, the
17 Department is proposing to add new Section
18 7-2.1 to Subchapter 7. This section
19 excludes greenhouse gas from the minor
20 facility permitting program unless an owner
21 or operator of a facility requests that a
22 permit be issued that will set enforceable
23 limits to keep greenhouse gas emission
24 levels below the applicability threshold
25 levels for the PSD construction permit

1 program or the Part 70 operating permit
2 program.

3 However, this modification cannot be
4 effective as a permanent rule change under
5 the State's rulemaking process until after
6 the effective date of January 2, 2011.

7 Therefore, a large number of smaller
8 sources of greenhouse gas could still be
9 subject to the minor facility permit
10 program contained in Subchapter 7. This
11 would be costly to those small minor
12 facilities and it would be costly to the
13 Department to evaluate and issue permits
14 and it would result in little reduction in
15 greenhouse gas emissions.

16 This also means that the State's
17 permitting program would be more stringent
18 than the Federal programs from January 2,
19 2011 until we could promulgate a permanent
20 change. Therefore, the Department is
21 proposing that this modification be
22 approved as an emergency rule. It wasn't
23 until EPA's Greenhouse Gas Tailoring Rule
24 was published in the Federal Register on
25 June the 2nd, 2010 -- or is that June the

1 3rd -- that the Department had the
 2 information necessary to amend its air
 3 quality permitting programs to match the
 4 federal programs, making it impossible to
 5 make permanent revisions to the minor
 6 facility permitting program prior to the
 7 January 2, 2011 deadline.

8 To date we have received no written
 9 comments on this proposed revision. So the
 10 Department requests that the Council
 11 forward the proposed change to the
 12 Environmental Quality Board with a
 13 recommendation that it be adopted as an
 14 emergency rule change to Subchapter 7. The
 15 Department further requests that the
 16 Council continue the hearing for a
 17 permanent greenhouse gas related
 18 modification to Subchapter 7 until the
 19 January, 2011 Council meeting. This will
 20 ensure that smaller sources of greenhouse
 21 gas will not be unnecessarily required to
 22 obtain air quality minor facility permits
 23 while, at the same time, allowing
 24 additional time for the public to comment
 25 on the permanent modification. The

1 last sentence of that whole paragraph, that
 2 sentence starts with physical or
 3 operational limitations.

4 We had suggested that it include the
 5 following:

6 Physical or operational limitations
 7 may include, and here is our addition, "but
 8 are not limited to" and then the sentence
 9 would continue, "air pollution control
 10 equipment" et cetera.

11 So we we're asking "but are not
 12 limited to" in case there is some other
 13 thing that may come up that would, you
 14 know, that DEQ would accept.

15 MS. BOTCHLET-SMITH: Do we have
 16 those comments? Do you want to read those,
 17 Joyce.

18 DR. SHEEDY: I don't think I've
 19 seen those. Do we have those?

20 MS. BOTCHLET-SMITH: Are they in
 21 the packet of the Council?

22 DR. SHEEDY: Yes.

23 MS. BOTCHLET-SMITH: Okay.

24 DR. SHEEDY: I'm sorry, Angie,
 25 you did get those to me and I was so

1 proposed emergency modification and the
 2 proposed permanent modification are
 3 substantively the same.

4 MS. BOTCHLET-SMITH: Do we have
 5 questions from the Council?

6 I'm sorry, Joyce. Did I interrupt
 7 you?

8 DR. SHEEDY: No. No. I had
 9 finished.

10 MS. MYERS: Do we need to include
 11 any kind of sunset language for this?

12 DR. SHEEDY: I don't think so,
 13 because all this basically says is that
 14 we're not going to permit -- include
 15 greenhouse gas in minor source permits
 16 unless an owner/operator asks us to do so.

17

18 MS. BOTCHLET-SMITH: I didn't
 19 receive any notice from the public wishing
 20 to comment. However, I think Angie might.

21 MS. BURKHALTER: Thank you.
 22 Angie Burkhalter with OIPA.

23 Joyce, we did submit comments late
 24 yesterday and we did have a comment on
 25 that. And what we were suggesting to that

1 flustered.

2 MS. LODES: Yeah. We have them
 3 right here.

4 DR. SHEEDY: I don't see that
 5 adding, "but not limited to" would cause a
 6 problem. Do you, Rob?

7 MR. SINGLETARY: No, I don't.

8 DR. SHEEDY: Okay.

9 MS. BOTCHLET-SMITH: Is there
 10 anyone else from the public that had a
 11 comment on this particular rule that I
 12 might have overlooked? I can't see
 13 everybody.

14 *Campbell:*
 15 MR. ~~CAMPBELL~~: I do.

16 MS. BOTCHLET-SMITH: Okay,
 17 Grover.

18 *Campbell:* *Campbell*
 19 MR. ~~CAMPBELL~~: Grover ~~Campbell~~, with
 20 Chesapeake Energy. And one of the reasons
 21 you probably need that language is I
 22 believe energy efficiency is going to be
 23 one of the main BACT requirements for
 24 greenhouse gas emissions.

25 MS. BOTCHLET-SMITH: Okay. Are
 there any other comments from the Council?

1 MS. LODES: We have no further
2 comments or questions. The Agency has
3 asked us to pass the emergency portion and
4 to carry over the permanent portion.

5 Do I have a motion?

6 MR. BRANECKY: I would move that
7 we pass what was presented to us today by
8 the Agency, the revision to Subchapter 7,
9 along with the additional language that has
10 been suggested by Ms. Burkhalter, as an
11 emergency rule.

12 And then as far as the permanent
13 rule, I propose that we carry that over to
14 the January 2011 Council meeting.

15 MS. LODES: I have a motion. Do
16 I have a second?

17 MS. MYERS: I'll second it.

18 MS. LODES: I have a motion and a
19 second.

20 Myrna, will you please call roll?

21 MS. BRUCE: Bob Lynch.

22 DR. LYNCH: Yes.

23 MS. BRUCE: Pete White.

24 MR. WHITE: Yes.

25 MS. BRUCE: David Branecky.

1 C E R T I F I C A T E
2 STATE OF OKLAHOMA)
3 COUNTY OF OKLAHOMA) SS:
4 I, CHRISTY A. MYERS, Certified
5 Shorthand Reporter in and for the State of
6 Oklahoma, do hereby certify that the above
7 proceeding is the truth, the whole truth,
8 and nothing but the truth; that the
9 foregoing proceeding was taken down in
10 stenography and thereafter transcribed by
11 me; that said proceeding was taken on the
12 27th day of October, 2010, at Oklahoma
13 City, Oklahoma; and that I am neither
14 attorney for, nor relative of any of said
15 parties, nor otherwise interested in said
16 action.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand and official seal on this, the
19 30th day of October, 2010.

20
21
22 CHRISTY A. MYERS, C.S.R.
23 Certificate No. 00310
24
25

1 MR. BRANECKY: Yes.

2 MS. BRUCE: Jim Haught.

3 JIM HAUGHT: Yes.

4 MS. BRUCE: Sharon Myers.

5 MS. MYERS: Yes.

6 MS. BRUCE: Gary Collins.

7 MR. COLLINS: Yes.

8 MS. BRUCE: David Gamble

9 MR. GAMBLE: Yes.

10 MS. BRUCE: Montelle Clark.

11 MR. CLARK: Yes.

12 MS. BRUCE: Laura Lodes.

13 MS. LODES: Yes.

14 MS. BRUCE: Motion passed.

15 (Item 5C Concluded)
16
17
18
19
20
21
22
23
24
25

-0-	-B-	David [4] 2:8,11 10:25 11:8	-H-	meeting [3] 1:11 6:19 10:14
00310 [1] 12:22	BACT [1] 9:21	deadline [1] 6:7	hand [1] 12:18	MEMBER [7] 2:5,6,7,8 2:9,10,11
-2-	become [4] 3:19,20,21 3:24	Department [7] 1:1 4:17 5:13,20 6:1,10,15	Haught [3] 2:4 11:2,3	Members [2] 2:1 3:10
2 [4] 3:19 5:6,18 6:7	below [1] 4:24	DEQ [2] 2:13 8:14	hearing [1] 6:16	might [2] 7:20 9:12
2010 [4] 1:12 5:25 12:12 12:19	BEVERLY [1] 2:15	DIANA [1] 2:19	HELD [1] 1:12	minor [12] 3:7,13 4:2,3,5 4:6,19 5:9,11 6:5,22 7:15
2011 [6] 3:19 5:6,19 6:7 6:19 10:14	Board [1] 6:12	down [1] 12:9	hereby [1] 12:6	modification [6] 5:3,21 6:18,25 7:1,2
252:100-7 [1] 3:7	Bob [1] 10:21	Dr [10] 3:8,10 7:8,12 8:18 8:22,24 9:4,8 10:22	hereunto [1] 12:17	modifications [1] 3:12
27 [1] 1:12	BOTCHLET-SMITH [10] 2:15 3:4 7:4,18 8:15 8:20,23 9:9,15,23	duty [1] 3:18	HINSON [1] 2:19	Montelle [2] 2:7 11:10
27th [1] 12:12	BRADLEY [1] 2:17	-E-	-I-	motion [4] 10:5,15,18 11:14
2nd [1] 5:25	Branecky [4] 2:11 10:6 10:25 11:1	E [2] 12:1,1	impossible [1] 6:4	move [1] 10:6
-3-	BRUCE [11] 2:14 10:21 10:23,25 11:2,4,6,8,10,12 11:14	EDDIE [1] 2:16	include [4] 7:10,14 8:4,7	Ms [29] 3:4 7:4,10,18,21 8:15,20,23 9:2,9,15,23 10:1,10,15,17,18,21,23,25 11:2,4,5,6,8,10,12,13,14
30th [1] 12:19	Burkhalter [3] 7:21,22 10:10	effective [3] 3:19 5:4,6	industrial [1] 4:7	Myers [8] 1:25 2:6 7:10 10:17 11:4,5 12:4,21
3rd [1] 6:1	-C-	efficiency [1] 9:20	information [1] 6:2	Myrna [2] 2:14 10:20
-4-	C [2] 12:1,1	emergency [6] 3:6 5:22 6:14 7:1 10:3,11	interested [1] 12:15	-N-
40 [1] 4:9	C.S.R [1] 12:21	emission [1] 4:23	interpreted [1] 4:6	NANCY [1] 2:18
-5-	Cann [3] 9:14,17,17	emissions [3] 3:16 5:15 9:22	interrupt [1] 7:6	necessary [1] 6:2
5C [4] 1:14 3:2,5 11:15	cannot [1] 5:3	emit [2] 4:8,9	issue [1] 5:13	need [2] 7:10 9:19
-7-	carry [2] 10:4,13	energy [2] 9:18,20	issued [1] 4:22	neither [1] 12:13
7 [7] 3:14 4:4,18 5:10 6:14 6:18 10:8	case [1] 8:12	enforceable [1] 4:22	item [4] 1:14 3:2,5 11:15	new [2] 3:17 4:17
7-2.1 [1] 4:18	Certificate [1] 12:22	ensure [2] 3:14 6:20	-J-	next [1] 3:4
70 [1] 5:1	Certified [1] 12:4	Environmental [2] 1:1 6:12	January [6] 3:19 5:6,18 6:7,19 10:14	nor [2] 12:14,15
-9-	certify [1] 12:6	EPA's [1] 5:23	Jim [3] 2:4 11:2,3	nothing [1] 12:8
9:00 [1] 1:13	cetera [1] 8:10	equipment [1] 8:10	Joyce [5] 2:20 3:8 7:6,23 8:17	notice [1] 7:19
-A-	Chair [2] 2:3 3:10	et [1] 8:10	June [2] 5:25,25	number [4] 3:5,23 4:14 5:7
above [1] 12:6	change [4] 5:4,20 6:11 6:14	evaluate [1] 5:13	-K-	-O-
accept [1] 8:14	CHERYL [1] 2:17	everybody [1] 9:13	keep [1] 4:23	OAC [1] 3:7
Act [1] 4:2	Chesapeake [1] 9:18	excludes [1] 4:19	kind [1] 7:11	obtain [1] 6:22
action [1] 12:16	CHRISTY [2] 12:4,21	-F-	-L-	October [3] 1:12 12:12 12:19
add [1] 4:17	City [2] 1:15 12:13	F [1] 12:1	ladies [1] 3:11	official [1] 12:18
adding [1] 9:5	Clark [3] 2:7 11:10,11	facilities [3] 3:8 4:11 5:12	language [3] 7:11 9:19 10:9	OIPA [1] 7:22
addition [1] 8:7	Clean [1] 4:2	facility [8] 3:13 4:5,6,20 4:21 5:9 6:6,22	large [1] 5:7	Oklahoma [8] 1:2,15,15 12:2,3,6,12,13
additional [2] 6:24 10:9	clogging [1] 4:16	far [1] 10:12	last [1] 8:1	one [2] 9:18,21
adopted [1] 6:13	Collins [3] 2:9 11:6,7	federal [6] 3:17,22 4:1 5:18,24 6:4	late [1] 7:23	operating [1] 5:1
Agency [2] 10:2,8	comment [4] 6:24 7:20 7:24 9:11	finished [1] 7:9	Laura [2] 2:3 11:12	operational [2] 8:3,6
Agenda [1] 3:5	comments [5] 6:9 7:23 8:16 9:24 10:2	flustered [1] 9:1	levels [2] 4:24,25	operator [1] 4:21
air [8] 1:10 3:22,25 4:2,11 6:2,22 8:9	commercial [1] 4:7	following [1] 8:5	light [1] 3:18	otherwise [1] 12:15
allowing [1] 6:23	Concluded [1] 11:15	foregoing [1] 12:9	limitations [2] 8:3,6	overlooked [1] 9:12
along [1] 10:9	construction [1] 4:25	forward [1] 6:11	limited [3] 8:8,12 9:5	overwhelming [2] 3:23 4:14
amend [1] 6:2	contained [1] 5:10	-G-	limits [1] 4:23	owner [1] 4:20
Angie [3] 7:20,22 8:24	continue [2] 6:16 8:9	Gamble [3] 2:8 11:8,9	Lodes [7] 2:3 9:2 10:1,15 10:18 11:12,13	owner/operator [1] 7:16
applicability [1] 4:24	control [1] 8:9	Gary [2] 2:9 11:6	Lynch [3] 2:10 10:21,22	-P-
applications [1] 4:14	costly [2] 5:11,12	gas [16] 3:16,18,20,23 4:4 4:10,15,19,23 5:8,15,23 6:17,21 7:15 9:22	-M-	packet [1] 8:21
apply [1] 4:4	Council [10] 1:10 2:1 3:11 6:10,16,19 7:5 8:21 9:24 10:14	gentlemen [1] 3:11	Madam [1] 3:10	paragraph [1] 8:1
approved [1] 5:22	COUNTY [1] 12:3	greenhouse [16] 3:16,18 3:20,23 4:4,10,15,19,23 5:8,15,23 6:17,20 7:15 9:22	main [1] 9:21	Part [1] 5:1
asks [1] 7:16	-D-	Grover [2] 9:16,17	MARSHMENT [1] 2:18	particular [1] 9:11
attorney [1] 12:14	date [2] 5:6 6:8		match [1] 6:3	
			may [2] 8:7,13	
			means [1] 5:16	

parties [1] 12:15	Reporter [1] 12:5	sunset [1] 7:11
pass [2] 10:3,7	REPORTING [1] 1:25	
passed [1] 11:14	requests [3] 4:21 6:10 6:15	-T-
permanent [9] 3:6 5:4 5:19 6:5,17,25 7:2 10:4 10:12	require [2] 4:2,6	T [2] 12:1,1
permit [10] 3:13,17,22 4:5 4:14,22,25 5:1,9 7:14	required [1] 6:21	Tailoring [1] 5:23
permits [5] 3:7 4:7 5:13 6:22 7:15	requirements [1] 9:21	TERRILL [1] 2:16
permitting [8] 3:15,25 4:12,16,20 5:17 6:3,6	residential [1] 4:8	Thank [1] 7:21
Pete [2] 2:5 10:23	result [1] 5:14	thereafter [1] 12:10
physical [2] 8:2,6	revision [2] 6:9 10:8	Therefore [2] 5:7,20
pollutant [1] 3:21	revisions [1] 6:5	threshold [1] 4:24
pollution [1] 8:9	right [1] 9:3	today [1] 10:7
portion [2] 10:3,4	Rob [1] 9:6	tons [1] 4:9
potential [1] 4:9	ROBERT [1] 2:10	transcribed [1] 12:10
presentation [1] 3:9	roll [1] 10:20	TRANSCRIPT [1] 1:9
presented [1] 10:7	rule [9] 3:6 4:5 5:4,22,23 6:14 9:11 10:11,13	truth [3] 12:7,7,8
prevent [2] 4:1,13	rulemaking [1] 5:5	types [1] 4:10
problem [1] 9:6	rules [2] 3:13,15	
proceeding [3] 12:7,9 12:11		-U-
PROCEEDINGS [1] 1:9		under [1] 5:4
process [1] 5:5	-S-	unless [3] 3:25 4:20 7:16
program [8] 3:13,25 4:20 5:1,2,10,17 6:6	says [1] 7:13	unnecessarily [1] 6:21
programs [8] 3:17,22 4:3 4:12,16 5:18 6:3,4	seal [1] 12:18	up [1] 8:13
promulgate [1] 5:19	second [3] 10:16,17,19	
proposal [1] 3:6	section [2] 4:17,18	-V-
propose [1] 10:13	see [2] 9:4,12	vehicle [1] 3:18
proposed [4] 6:9,11 7:1 7:2	sentence [3] 8:1,2,8	VICE-CHAIR [1] 2:4
proposing [3] 3:12 4:17 5:21	SERVICE [1] 1:25	
PSD [1] 4:25	set [2] 4:22 12:18	-W-
public [3] 6:24 7:19 9:10	Sharon [2] 2:6 11:4	WHEREOF [1] 12:17
published [1] 5:24	Sheedy [10] 2:20 3:8,10 7:8,12 8:18,22,24 9:4,8	White [3] 2:5 10:23,24
	Shorthand [1] 12:5	whole [2] 8:1 12:7
-Q-	SINGLETARY [1] 9:7	wishing [1] 7:19
quality [5] 1:1,10 6:3,12 6:22	small [2] 4:15 5:11	WITNESS [1] 12:17
questions [2] 7:5 10:2	smaller [2] 5:7 6:20	written [1] 6:8
	sorry [2] 7:6 8:24	
-R-	source [2] 4:3 7:15	-Y-
R [1] 12:1	sources [6] 3:24 4:3,8,15 5:8 6:20	year [1] 4:9
read [1] 8:16	ss [1] 12:2	yesterday [1] 7:24
reasons [1] 9:18	staff [2] 2:13 3:12	
receive [1] 7:19	standards [1] 3:18	
received [1] 6:8	starts [1] 8:2	
recommendation [1] 6:13	State [5] 1:2 3:14,22 12:2 12:5	
reduction [1] 5:14	State's [4] 3:24 4:5 5:5 5:16	
regarding [1] 3:16	stenography [1] 12:10	
Register [1] 5:24	steps [1] 3:25	
REGULAR [1] 1:11	still [1] 5:8	
regulated [1] 3:20	stringent [2] 3:15 5:17	
related [1] 6:17	Subchapter [7] 3:14 4:4 4:18 5:10 6:14,18 10:8	
relative [1] 12:14	subject [4] 3:21,24 4:11 5:9	
	submit [1] 7:23	
	substantively [1] 7:3	
	such [1] 3:21	
	suggested [2] 8:4 10:10	
	suggesting [1] 7:25	

1

MEMBERS OF THE COUNCIL

1

PROCEEDINGS

2

MS. BOTCHLET-SMITH: At this

3

time, we will proceed with what's

4

marked as Agenda Item Number 5A on

5

the Hearing Agenda.

6

This is OAC 252:100-5

7

Registration, Emissions Inventory and

8

Annual Operating Fees.

9

Ms. Pat Sullivan will be making

10

the presentation for the staff and

11

that will be followed by a

12

presentation of Ms. Cheryl Bradley,

13

who will explain the changes to the

14

rule.

15

MS. SULLIVAN: I used to

16

know everybody in the Council. I'm

17

Pat Sullivan.

18

Fees 2010, the Cost of Clean

19

Air. When someone asks me for money

20

I ask one of two questions. How

21

much and why?

22

Today we're going to start with

23

why. There are four reasons the

24

Division needs a fee increase.

25

One. Legislative

1

appropriations are down. There continues to be a legislative shortfall. The Department acknowledges that legislative appropriations might normally be considered a minor contribution to the Division's overall budget. In the last few years appropriations funded the majority of the Air Toxics Program.

11

In 2009 state appropriations were at \$1,480,000.00. For 2010 they're projected to be \$245,000.00. So there is a 1.2 million dollar shortfall there. Yet, the cost for retaining good employees are up. These numbers include, salary, longevity, insurance, and retirement. The lower line represents employee positions in the Division, the upper line represents all positions. The gap between the two in 2011 is \$862,000.00. In five years, under 2016 the gap is over a million dollars. One of the things that

1

this kind of rising costs for personnel and benefits would be consistent in government and in industry. Yet, the Division's annual operating fees are down.

6

In 2009 we collected eight

7

million five hundred seventy-four

8

--five hundred seventy-four thousand

9

five hundred and thirty-nine dollars

10

in operating fees and it's down to

11

seventy-seven million in 2011. There

12

is a gap there of eight hundred and

13

sixty thousand dollars.

14

And let me go back to that --

15

the gap here is \$860,000.00 as well

16

because that's a buffer that we have

17

to cover our employee and

18

administrative costs.

19

Defining emissions is due in

20

part to a slower economy. But it's

21

also due to a shift in emissions

22

from major sources to minor ones.

23

You can see that as the line comes

24

down on the blue, that it's going up

25

on the synthetic minors. Which is

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF THE AIR QUALITY COUNCIL MEETING
OCTOBER 27, 2010, AT 9:00 AM
PART 2
HELD IN OKLAHOMA CITY, OKLAHOMA

* * * * *

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

1 an interesting thing that the
 2 emissions are being controlled and
 3 consequently they are being paid as a
 4 minor source (inaudible due to
 5 sneeze).
 6 And the fourth thing is that
 7 the Division workload is up and it
 8 keeps going up. Since 2005 we've
 9 been -- 24 NAAQS have been delegated
 10 to Oklahoma and that's hundreds of
 11 facilities in the state. Recently
 12 delegated or soon to be delegated
 13 MACTs include the utility MACT which
 14 is RICE, which is Reciprocating
 15 Internal Combustion Engines. The
 16 first round of that had 18,000
 17 engines and then the second round is
 18 at 6,600. Now that's engines, not
 19 facilities. Gasoline dispensing
 20 facilities, the federal government
 21 listed our share at about 2,900 and
 22 it was attributed to 28 facilities
 23 that are terminal bulk-type
 24 facilities, but in fact, we're
 25 estimating that at around 3,000. And

1 2.95 million dollars?
 2 That was just a preview of
 3 what's to come. We do not have the
 4 authority to initiate all of the
 5 scenarios, but these are ways that
 6 could look at raising 2.95 million
 7 dollars. We could raise the gas --
 8 state gasoline tax by one-sixth of a
 9 cent per gallon.
 10 We could raise the state car
 11 tag fee by 87 cents per tag.
 12 We could fee carbon dioxide
 13 emissions at \$3.25 a ton.
 14 We could raise major source --
 15 the major source fee by \$14.92 per
 16 ton.
 17 We could raise major and minor
 18 -- synthetic minor source fees by
 19 \$12.23 a ton or we could raise all
 20 major and minor source fees by \$11.60
 21 a ton.
 22 Another scenario would be to
 23 eliminate the cap, and fee all
 24 emissions. Now, these are just
 25 slightly different perspectives on

1 you can see everybody has a boiler.
 2 The other contributor to our
 3 workload, of course, is greenhouse
 4 gases which you'll begin to see --
 5 you'll see some of the work that
 6 we've begun on that today.
 7 And then the revised National
 8 Ambient Air Quality Standards, all of
 9 those are reviewed every five years
 10 and they've all recently been through
 11 a review. In the last two and a
 12 half years practically all of them
 13 have changed. And, of course, we're
 14 still awaiting the new ozone standard
 15 which we suspect will be out shortly
 16 after the election.
 17 So now let's go to the
 18 question of how much? Legislative
 19 appropriations are down 1.23 million,
 20 benefits and cost of retention are
 21 up, that's .86 million; the total
 22 annual operating fees are down, also
 23 .86 million. So our budgetary
 24 shortfall is in the range of 2.95
 25 million dollars. How do you raise

1 the same issue here.
 2 You can fee only emissions over
 3 4,000 tons at \$19.40; or you could
 4 include all of the emissions over 40
 5 -- over 4,000 and raise the emissions
 6 -- each of the emission rates by
 7 \$6.50 a ton; or we could modify the
 8 current emissions fee base. And this
 9 is the one where -- that we'd like
 10 to talk about today.
 11 Our current emissions fee base
 12 is from major and minor sources.
 13 All of our money comes from
 14 emissions. There is a limited area
 15 source component to this with no
 16 mobile source component at all. We
 17 wanted to examine that area source
 18 component.
 19 What are area sources? Area
 20 sources are gas stations, dry
 21 cleaners, auto paint and body shops.
 22 At least two of these sources are
 23 within a block of our office right
 24 here. Area Sources emit less than
 25 10 tons of any single pollutant in a

1 year and less than 25 tons of any
2 combination of pollutants. As
3 individual units they aren't all that
4 significant but as a group,
5 especially in urban areas, they are.

6 Another interesting thing about
7 area sources is that many of them
8 are closely associated to mobile
9 sources which is a difficult group to
10 get a handle on. Primarily, I'm
11 thinking of gas stations here. Area
12 sources are regulated through MACTs.

13 What is a MACT? MACTs are
14 standards set in the National
15 Emissions Standards for Hazardous Air
16 Pollutants that is also called
17 NESHAPs. If you see a regulation
18 and it's marked 40 CFR Part 63,
19 followed by seven B's or five B's or
20 four Z's it's a NESHAP and it's
21 likely a MACT standard. MACT stands
22 for Maximum Achievable Control
23 Technology and in short, MACTs are
24 standards for area sources, not just
25 for area sources but many MACTs

1 major and minor fee paying sources
2 that we currently get our money from.

3 How are other states handling
4 hazardous air pollutants? Colorado
5 fees hazardous air pollutants, or
6 HAPs, at \$152.90 per ton. I'm going
7 to talk about gas stations later.

8 Iowa fees at \$56.00 per ton
9 which is the same as their criteria
10 pollutant.

11 Louisiana fees in a three tier
12 program and you'll see that each of
13 those fees are higher than our
14 criteria pollutant fee.

15 New Mexico fees at \$165.00 per
16 ton with mercury being billed at
17 \$8.88 per ounce.

18 Nebraska fees at \$70.00 per ton
19 which is the same as their criteria
20 pollutant.

21 Missouri bills at \$40.00 per
22 ton which is also the same as the
23 criteria pollutant. You'll note that
24 these states are all in our area
25 around us.

1 address pollution at area sources.

2 What are hazardous air
3 pollutants? They're substances that
4 are known or suspected to cause
5 cancer or other serious health
6 affects in humans; 187 of these
7 substances have been targeted for
8 control by EPA. Some of the more
9 familiar of them are: Mercury, lead,
10 benzene, dioxins, and
11 perchloroethylene.

12 Area sources emit 35 percent of
13 hazardous air pollutants emitted in
14 Oklahoma. Mobile sources emit 47
15 percent of the hazardous air
16 pollutants in the state. And once
17 again, many area sources are closely
18 associated to mobile sources.

19 This graph kind of illustrates
20 the contribution of HAPs, but I don't
21 believe it comes out to 100 percent.
22 I think it's at 99 percent. There
23 is some -- a little bit that is not
24 accounted for there, and the 17
25 percent point sources, those are

1 So let's look at what happens
2 with gas stations. Now the chances
3 are that there are many more states
4 that fee for gas stations. This was
5 a little bit difficult to research.

6 Colorado fees gas stations on
7 emissions at \$152.90 per ton.

8 Ohio has five categories of
9 gasoline dispensing facilities,
10 pretty complicated to put a number
11 to.

12 Massachusetts bills at \$200.00
13 per facility, but as Morris told me
14 this is very complex as well.

15 Arizona bills at \$750.00 per
16 facility.

17 Delaware, \$75.00 as an annual
18 operating permit fee for gasoline
19 stations.

20 And Missouri does not fee for
21 gas stations, however, that woman
22 that I spoke with there said, you
23 know, St. Louis has just initiated a
24 fee at the local level and it's
25 \$200.00 per nozzle.

1 In Oregon they bill \$360.00
2 annually and they require a permit.
3 I want to be sure I didn't skip one
4 there.

5 This is kind of an overview of
6 how we're trying to refocus our fee
7 structure. We would like to include
8 various sources which is the first
9 bullet point there.

10 And the second bullet point,
11 we'd like to differentiate between
12 hazardous air pollutants and criteria
13 pollutants.

14 The third, we are feeling for
15 minimal amounts instead of discarding
16 portions. And it's very important
17 that I state this like it's written,
18 because it's -- I was instructed in
19 what this is supposed to say.

20 A fee for one ton of hazardous
21 air pollutants will apply for any
22 facility reporting hazardous air
23 pollutants totaling less than one
24 ton. And these are facilities that
25 are already in our inventory and at

1 than one ton. We propose to invoice
2 mercury at \$100.00 per pound. Air
3 Quality operates four mercury
4 monitoring sites and they incur
5 personnel costs, monitoring
6 equipment, travel, and maintenance.
7 Our lab analysis for those four sites
8 was \$44,000.00 this year. We also
9 help finance the mercury fish study
10 which is posted on our website. And
11 we propose to invoice lead, which is
12 also bio-persistent and especially
13 harmful to young children, at \$50.00
14 per pound. And that would be lead
15 and its compounds. We are seeing a
16 resurgence of regulation in this
17 area.

18 We propose to fee unpermitted
19 area sources that are subject to an
20 air pollution standard, a MACT,
21 NESHAP, \$250.00 per year. And to
22 begin to address the mobile source
23 component that's so difficult for us
24 to get a handle on we propose to
25 invoice gasoline dispensing

1 present we just let that money go
2 but it comes to around a hundred
3 thousand dollars.

4 We would like to fee mercury
5 and lead in increments that are more
6 appropriate to the substance's
7 toxicity. Mercury and lead are
8 highly toxic and are very persistent
9 in the environment. We, in the
10 state -- there is only one ton of
11 mercury, just over a ton. And there
12 is 2.8 tons of lead reported in the
13 state. So that just puts that back
14 into perspective.

15 This is the fee proposal that
16 we hope to make. We propose that
17 criteria pollutants stay the same.
18 We propose to invoice hazardous air
19 pollutants at \$50.00 per ton. That
20 would be an increase of \$16.00 for
21 major sources and \$25.00 for minor
22 sources.

23 We propose that a fee for one
24 ton of hazardous air pollutants apply
25 for any facility reporting HAPs less

1 facilities that are subject to an air
2 pollution standard even though they
3 don't have a permit at \$250.00,
4 \$500.00, or \$750.00 per year based on
5 monthly throughput. That throughput
6 would be the same breakout as the
7 national NESHAPs. And we propose to
8 invoice gasoline bulk terminals at
9 \$500.00 per year.

10 Here's how those numbers break
11 out into this fee proposal. At
12 \$100.00 a pound, mercury, which is
13 \$212,764.00; lead \$283,305.00; HAPs
14 \$150,000.00; gas stations, 1.5
15 million dollars; gas distribution
16 facilities would contribute
17 \$115,000.00; and other area sources,
18 that was that 37 percent,
19 \$718,750.00. Now this total comes to
20 more than our 2.95. Some of this is
21 on projection. And the number of
22 area sources, if we were to try to
23 bring this like to two million
24 ninety-five we would adjust the
25 number of area sources that we

1 believe that we can get in touch
2 with because it's a big question
3 mark.

4 Back on Slide 14 I showed you
5 our current fee base. And if you
6 choose to adopt our fee proposal as
7 presented today there would be
8 redistribution of the fee base that
9 would look something like this.

10 The major and minor sources did
11 absorb a portion of the HAPs at
12 \$50.00 a ton. But the bulk of the
13 increase will come through area
14 source permitting fees -- I mean, not
15 permitting, I'm sorry -- operating
16 fees. And we believe that it
17 extends -- it expands our fee base
18 which that's pretty obvious, and
19 helps out our major and minor
20 sources.

21 That's a lot of information so
22 I'm just going to give you a summary
23 slide to leave up here for a little
24 while. Thank you for your time.

25 MS. BRADLEY: Thank you,

1 pollutants. These fees would apply
2 to both permitted and unpermitted
3 stationary sources. Regulated toxic
4 air pollutants include all of the 187
5 listed hazardous air pollutants. In
6 addition they will include lead, and
7 lead compounds, and the state air
8 toxics list in Chapter 100.

9 Mercury and mercury compounds
10 are hazardous air pollutants, so they
11 are included in the 187 HAPs.

12 I will first address the fees
13 that would be assessed as sources
14 that currently pay annual operating
15 fees. Our emissions inventories
16 currently include provisions to
17 report hazardous air pollutants and
18 the state air toxics.

19 Under the existing rule in
20 Subchapter 5, Section 2.2, these
21 sources have been invoiced for their
22 air toxic and criteria pollutant
23 emissions at the same Part 70, on
24 line of facility rate. The
25 Department proposes that stationary

1 Pat. Good morning, Madam Chair,
2 Members of the Council, ladies and
3 gentlemen. I've been asked to
4 provide details on the rule itself.

5 My name is Cheryl Bradley and
6 I am the Environmental Programs
7 Manager for the Rules and Planning
8 Section of the Air Quality Division.

9 Pat has provided details on why
10 and how we have approached proposal
11 of fees to fill the funding gap that
12 we anticipate will be before us in
13 the very near future. And the
14 Department proposes to add a new
15 section to our fee rules which are
16 found in Subchapter 5, the new
17 section we've identified as
18 252:100-5-2.3. Titled it, Annual
19 Operating Fees for Toxic's Emissions,
20 and then in parenthesis, Regulated
21 Air Toxic Pollutants.

22 This proposed section would
23 establish new fees to be assessed to
24 stationary sources for their
25 emissions of regulated toxic air

1 sources that are required to file
2 annual -- emissions inventories would
3 be assessed a different fee for their
4 toxic's emissions and that fee would
5 be \$50.00 per ton, which will be a
6 \$16.00 per ton increase for Part 70
7 sources and a \$25.00 per ton increase
8 for minor facilities.

9 In addition, facilities
10 emitting less than one ton of an air
11 toxic would be billed for a full
12 ton. So we would be essentially
13 rounding up in the case of minimal
14 emissions below the one ton level.

15 The Department also proposes
16 higher fees for mercury and lead
17 emissions because the program cost
18 associated with these pollutants are
19 significantly greater for the
20 Department than they are for many of
21 the other regulated air pollutants.
22 Pat has already covered some of the
23 details of the additional cost
24 incurred by the Agency. That is
25 driven by the toxicity and the

1 potential health risk posed to the
 2 public.
 3 We are proposing to invoice
 4 mercury and lead in smaller
 5 increments than a ton. Mercury and
 6 lead would be invoiced in pound
 7 increments and a fee of \$100.00 per
 8 pound of mercury emitted would be
 9 assessed at a fee of a \$50.00 per
 10 pound for any lead or lead compound.
 11 Fees for ammonia emissions
 12 would not be increased. We would
 13 continue to fee ammonia emissions
 14 under the criteria pollutant fee
 15 structure in 2.2.
 16 It has become routine for the
 17 Department to assume delegation for
 18 federal -- National Emission
 19 Standards for Hazardous Air
 20 Pollutants is really part of our
 21 mission. Keep regulation for
 22 Oklahoma sources closer to home. We
 23 feel we can do a better job and do
 24 it more cost effectively.
 25 Later in the Council meeting,

1 In an effort to address program
 2 costs associated with air pollution
 3 from automobiles and trucks which are
 4 routinely referred to as mobile
 5 sources, the Department proposed
 6 higher fees for area sources
 7 associated with providing gasoline to
 8 mobile sources. We are unable to
 9 levy a fee directly on gasoline or
 10 on mobile sources but this would be
 11 an attempt to tie a fee to a mobile
 12 source component.
 13 Gasoline dispensing facility
 14 area sources that are subject to 40
 15 CFR Part 63, Subpart CCCCCC, but not
 16 subject to permitting requirements
 17 would pay an annual operating fee
 18 based on average monthly throughput.
 19 And we followed the breakdown in the
 20 federal rule. Gasoline stations with
 21 an average monthly throughput of
 22 10,000 gallons or less would be
 23 assessed a \$250.00 fee. Gasoline
 24 stations with an average throughput
 25 of more than 10,000 gallons but less

1 staff will present a proposal to
 2 update the list of federal standards
 3 that are incorporated by reference in
 4 Chapter 100. We do this on an
 5 annual basis. The Council typically
 6 sees these proposals every October as
 7 is the case this year. This is a
 8 necessary step in assuming delegation
 9 of any new or amended NESHAPS. Many
 10 of the facilities that are currently
 11 subject or will be subject to NESHAPS
 12 in the near future are small
 13 businesses, small sources, that have
 14 been exempt from permitting and
 15 annual operating fees under our
 16 existing structure. However, the
 17 Department still encourage program
 18 costs for implementing and enforcing
 19 the standards that affect these small
 20 sources.
 21 The Department proposes that
 22 area sources subject to NESHAP but
 23 are not subject to permitting
 24 requirements would be assessed an
 25 annual operating fee.

1 than a 100,000 gallons would be
 2 assessed a \$500.00 annual operating
 3 fee. Gasoline dispensing stations
 4 with an average monthly throughput of
 5 more than 100,000 gallons would pay
 6 an annual operating fee of \$750.00.
 7 In addition to that, we are
 8 also proposing a fee for gasoline
 9 distribution bulk terminals, bulk
 10 plants, and pipeline facilities that
 11 are subject to the 40 CFR Part 63,
 12 Subpart BBBBBB but not subject to
 13 permitting requirements, that the
 14 proposed fee for those facilities is
 15 \$500.00. All other annual sources --
 16 excuse me, all other area sources
 17 that are not subject to permitting
 18 requirements in our Chapter 100 rules
 19 would be assessed an annual operating
 20 fee of \$250.00.
 21 The proposal also includes a
 22 provision to discount the annual
 23 operating fees invoice if the
 24 Department determines that other
 25 revenues have increased sufficiently

1 to adequately fund the program. This
2 provision is in Subsection E of the
3 proposed language. An example would
4 be a restoration of state
5 appropriations or some other funding
6 source.

7 On January 2, 2011, greenhouse
8 gases will become subject to
9 regulation as an air pollutant when
10 the federal emission standards for
11 light duty vehicles kick in. It's a
12 complicated issue in exactly how that
13 came about. But without an action
14 by the Agency, that will come into
15 being.

16 Later in the agenda you will
17 hear a proposal for modifying our
18 permitting rules to address
19 greenhouse gases. And Ms. Sheedy
20 will go through the details of how
21 greenhouse gases become subject to
22 regulation under the federal Clean
23 Air Act and under our state rules.

24 The Department is aware that
25 our existing fee rules could be used

1 nor was it truly addressed in the
2 Notice that we provided to the public
3 of our proposed rulemaking. In light
4 of these issues, staff requests that
5 the Council vote to continue the
6 rulemaking action to the January 2011
7 Council meeting to allow time to
8 evaluate additional fee alternatives.

9 Thank you.

10 MS. BOTCHLET-SMITH: Okay.
11 We'd like to begin the discussion on
12 the rule presentation with questions.
13 Is there anything the Council has
14 that they would like to ask either
15 Ms. Bradley, Ms. Sullivan, or other
16 staff?

17 MR. BRANECKY: A question I
18 have is, currently the criteria
19 pollutant fee is adjusted
20 automatically annually based on CPI,
21 will that occur with these proposed
22 fees also?

23 MS. BOTCHLET-SMITH: I'm
24 sorry, David. I was reading. You
25 were asking if the CPI would be --

1 as the basis for assessing fees for
2 greenhouse gas emissions. However,
3 the Department does not intend to
4 assess fees for greenhouse gas
5 emissions unless no other funding
6 alternative is available.

7 Notice of these proposed rule
8 changes was published in the Oklahoma
9 Register on September 15th, 2010 and
10 the Notice requested written comments
11 from the public and other interested
12 parties.

13 Today the Department received
14 comments on the proposed rules from
15 one entity, OIBA. We received those
16 yesterday and, frankly, staff is
17 still in the process of reviewing the
18 content on those.

19 Recently staff became aware of
20 that there are one or more fee
21 options that we should evaluate.

22 For example, the Department
23 could consider an increase in the
24 fees for obtaining a permit. That
25 was not included in our fee proposal

1 MR. BRANECKY: The CPI
2 adjustment.

3 MS. BOTCHLET-SMITH: -- no.
4 We would not apply the CPI adjustment
5 to these fees.

6 MR. BRANECKY: Okay. Does
7 that need to be stated some where in
8 the rule?

9 MR. HAUGHT: Are we sure
10 that we can, not apply that given
11 the rule?

12 MS. BOTCHLET-SMITH: Well.

13 MR. HAUGHT: I know it's
14 not a have to, it's just that it
15 can, but --

16 MS. BOTCHLET-SMITH: We --

17 MS. LODS: Do you want to
18 answer that?

19 MS. BOTCHLET-SMITH: We
20 don't apply the CPI to permit fees.
21 And --

22 MR. BRANECKY: But the --

23 MS. BOTCHLET-SMITH: -- we
24 don't apply the CPI to minor --
25 yeah, we do apply to minor source

1 fees.
 2 (Pause)
 3 MS. BOTCHLET-SMITH: No. We
 4 don't apply it to minor -- I'm
 5 sorry.
 6 MR. HAUGHT: Part 70 only.
 7 MS. BOTCHLET-SMITH: It's
 8 only Title V fees. So I think that
 9 we can exclude these in the same
 10 manner that we've excluded the minor
 11 source fees.
 12 MR. BRANECKY: But your
 13 mercury and your lead would apply to
 14 major sources -- Title V sources, the
 15 proposed fees for lead and mercury.
 16 MR. TERRILL: But it's not
 17 a Title V operating fee though.
 18 It's a separate fee. We can clarify
 19 that when we bring it back to you if
 20 that would make you feel better.
 21 Buy our intent is not to --
 22 MR. BRANECKY: Okay.
 23 MR. TERRILL: -- apply the
 24 CPI to that. But let me just -- let
 25 me clarify some things then -- the

1 insurance and retirement purposes
 2 only. But we knew those things were
 3 going to go up. We also didn't
 4 anticipate that we would have as many
 5 issues with the MACTs and
 6 implementing those, so you combine
 7 all that together and that's the
 8 reason that we decided now would be
 9 the time to bring this to you and
 10 give you an opportunity to see if
 11 we've made a case for, you know,
 12 adjusting these fees. We've known
 13 for a long time we need to have a
 14 mobile source component. We tried
 15 several years ago to get a car tag
 16 fee. We tried several years ago to
 17 get a fee on rental cars. We've
 18 looked at gas -- raising the gas tax
 19 one-tenth of a mil. You know, that
 20 stuff, it all sounds good here. It
 21 sounds good until you get over to
 22 the Legislature and then it doesn't
 23 sound so good. And so we're still
 24 committed to do that. In fact,
 25 we're going to meet with a petroleum

1 staff said there wouldn't be any way
 2 I could not say anything on this and
 3 I told them I probably could. But I
 4 want to be clear about a couple of
 5 things here.
 6 We really thought that we
 7 wouldn't have to be coming to you
 8 all with the fee increase after we
 9 did the Title V fee increase a few
 10 years ago, but we hadn't anticipated
 11 the downturn in the economy, the
 12 decision by the Legislature for
 13 financial -- good financial reasons
 14 to cut our appropriations. Of
 15 course, we knew about our escalating
 16 costs on benefits, which when you
 17 look at that there has been no pay
 18 raise for our staff in the last
 19 three years, nor do we anticipate any
 20 in the near future, nor have we done
 21 any kind of market based adjustments.
 22 They've had no increases at all. So
 23 what you are seeing there is not an
 24 increase in what we pay our staff
 25 it's increase in benefit costs for

1 marketer who are -- if you look at
 2 the presentation they are bearing
 3 half the cost of this increase
 4 because that is our way to try to
 5 address the mobile source component
 6 of our fee case or fee issue. We're
 7 going to be meeting with them and
 8 talking with them about some options
 9 that we might have at the Legislature
 10 this session, to work with them to
 11 try to convince enough of our
 12 Legislators that we do need a mobile
 13 source fee that applies across the
 14 state. So we're hopeful that we
 15 could do some other things and we
 16 wouldn't have to adjust these fees,
 17 but in the alternative we're hoping
 18 to have a backstop of an increase in
 19 January, just in case we're
 20 unsuccessful with the Legislature.
 21 With that, I'll open it back up for
 22 questions.
 23 Oh. One other thing. I knew
 24 there was something else. Yesterday
 25 when we had our pre-meeting with

1 Council, Jim reminded me that when we
 2 did our Title V fee proposal the
 3 last day or a couple of days before
 4 we actually came to the Council there
 5 was an interest that was raised by
 6 some of the fee payers to take a
 7 look at our construction permitting
 8 fees. They haven't been raised in a
 9 quite a while and they're really not
 10 reflective of what it costs us to
 11 actually do a permit, but he reminded
 12 me that we, I think, committed that
 13 we would take a look at that as part
 14 of any kind of fee proposal we would
 15 make in the future. And I really
 16 had only associated that with Title V
 17 but he's right. We can take a look
 18 at adjusting those. And to be frank
 19 about it, if we adjusted those even
 20 a fraction of what some of the other
 21 states are charging, it would be a
 22 substantial increase from what we're
 23 charging now. But we could fully
 24 cover through permit fees,
 25 construction fees, the -- what we're

1 Now it's all yours.
 2 MS. LODES: Thanks. Another
 3 comment/question is you've said your
 4 intent is not to fee greenhouse gases
 5 but there is no exclusion or any
 6 kind of a protection there for
 7 greenhouse gases. I would like to
 8 see something like that but on top
 9 of that or at least at a minimum on
 10 your annual operating fee section
 11 under D, for Basis for Annual Fees.
 12 "Regulated pollutants for fee
 13 calculation in excess of 4,000 tons
 14 per pollutant for a Part 70 source
 15 shall not be considered in the
 16 calculation of annual fee".
 17 There is no -- if you're a
 18 minor source there is no protection
 19 at that 4,000 ton level. And we all
 20 know greenhouse gases are going to go
 21 way over 4,000 tons and I have run a
 22 number. If a minor source got
 23 charged at the annual operating fee
 24 of \$25.00 a ton for greenhouse gases,
 25 which there is nothing to keep that

1 asking for from the -- for the HAPs.
 2 Mercury, lead in our HAP proposal
 3 could be covered pretty easily by
 4 that. And we still have the mobile
 5 source component that wouldn't be
 6 affected by it. We might be able to
 7 adjust our area source because we
 8 really don't know what to expect.
 9 We're not sure what the universe
 10 there is. But we could totally
 11 eliminate the need for the increase
 12 for the toxics part of it by just
 13 adjusting our construction fee.
 14 So what we'll do is when we
 15 come back in January we'll provide
 16 you an either or, here's what would
 17 happen if -- here's what we could
 18 eliminate; here's how we could adjust
 19 what we've proposed today if we
 20 increased our construction permit
 21 fees by various amounts. So I'm
 22 glad you mentioned that. I just
 23 hadn't associated that with this type
 24 of fee increase but we'll do that
 25 before January.

1 from happening in here. That was
 2 2.5 -- up to 2.5 million per minor
 3 source which would more than cover
 4 your 2.9 million dollar shortfall.
 5 So could we adjust that to at
 6 least at a minimum say, for not just
 7 Part 70 sources but also for minor
 8 sources?
 9 MS. BRADLEY: Are you
 10 looking at -- I'm --
 11 MS. LODES: It's not in
 12 there.
 13 MS. BRADLEY: I'm trying to
 14 see where you're at. We don't have
 15 that portion of the rule open.
 16 MS. LODES: Can we open it
 17 for January to fix that when we're
 18 doing the fees?
 19 MR. TERRILL: We'll take a
 20 look at it and see if we can't --
 21 politically it would be -- and what
 22 Cheryl said is true. And I
 23 understand the reluctance to accept
 24 what we say in the Council without
 25 it being in the rule. But

1 politically there is no way we could
 2 charge for greenhouse gas fees
 3 without coming through the Council
 4 and the Board. I don't think we
 5 could do it even if we did that. I
 6 think we'd lose it over at the
 7 Legislature. But realistically we
 8 could not do anything like that until
 9 we came through the Council and
 10 Board, even though I think we've got
 11 the ability right now the way our
 12 rules are written, is to fee
 13 greenhouse gas once it became a
 14 regulated pollutant. But I don't
 15 have an issue with capping the minor
 16 sources. It would be very difficult
 17 for us to figure out how you would
 18 fee it anyway. I mean is it a dime
 19 a ton up to -- because there is so
 20 much of it out there and it's just
 21 -- it would be a nightmare for us to
 22 try to figure that out. But we'll
 23 see what we can do. I'm not sure
 24 whether we -- we'll just have to
 25 take a look at it procedurally to

1 (inaudible). And we were aware of
 2 that. This kind of goes to how
 3 we're going to implement regulating
 4 the MACT standards in general. And
 5 we've been accepting them. We know
 6 they are out there. I was waiting
 7 to see how EPA was going to address
 8 through policy what was going to
 9 happen if states did not accept
 10 delegation or in the alternative if
 11 they did accept delegation, what they
 12 would expect. And that was issued
 13 by OWEKA. About six months ago,
 14 five months ago, something like that
 15 was when I saw the draft and the
 16 final version was signed about three
 17 months ago. And there is some --
 18 it's pretty general but basically it
 19 gives us some idea as to how we can
 20 look at these regulations and make
 21 some determination about how we would
 22 implement regulation of these
 23 sources. So we have not done any
 24 outreach to any of these area
 25 sources, and that includes the

1 see how we would open that up or if
 2 we can. But I'm not even sure how
 3 we would cap it. But your point is
 4 well made and we'll take a look at
 5 it.

6 MS. LODS: Okay. The
 7 other thing is on the whole gasoline
 8 dispensing facilities, it says it's
 9 for facilities -- the fee of 250, or
 10 500, or 750 is for fees not subject
 11 to permitting requirements under
 12 Subchapter 7 and 8. Really because
 13 these are a new NESHAP under
 14 Subchapter 7, which I mentioned to
 15 you all, these facilities should be
 16 obtaining a construction permit for
 17 any brand new gas station in the
 18 state because they are now subject to
 19 a NESHAP.

20 MR. TERRILL: And we haven't
 21 received any. We -- I asked Phil
 22 and Dawson to verify what I thought
 23 to be correct and that we haven't
 24 received any permit apps from any of
 25 these facilities that are being

1 gasoline dispensing facilities, the
 2 service stations. And that will be
 3 part of the dialogue we'll be having
 4 with the petroleum marketing folks,
 5 when they come in. We'll kind of
 6 tell them here's what we think you
 7 should have been doing, but it's
 8 going to be like a no harm, no foul.
 9 We'll just try to figure out how to
 10 get them in the fold as part of our
 11 overall outreach and get them
 12 permitted. And, you know, we can
 13 use our discretion on that. There
 14 are just so many of these that
 15 without figuring out how -- and to
 16 be honest with you there is no way
 17 that we're going to be able to do
 18 anything for, if that's how you want
 19 to term this, but we're not going to
 20 be able to touch all these facilities
 21 or even a fraction of them. There
 22 are just too many of them. So we're
 23 going to figure out a way that EPA
 24 would find acceptable so that they
 25 don't come in and when they decide

1 that they are going to audit, which
 2 is what they do. They take a
 3 particular set of MACT standards and
 4 they do what they call an audit in
 5 the various regions of the state to
 6 see that they are being implemented
 7 and how they are doing that. And I
 8 just want to make sure that when
 9 they look at Oklahoma they see that
 10 we've got a program in place that
 11 takes care of what they expect so
 12 that they let us continue on with
 13 our program. But the bulk of it is
 14 going to be outreach, education, that
 15 sort of thing. But we'll -- those
 16 facilities that have been constructed
 17 should have a permit. We'll get
 18 with them and get them permitted and
 19 get them in the system and just --
 20 we'll call it good if we can get
 21 them -- fee them in some sort of
 22 fashion that, you know, makes it
 23 equitable.

24 MR. HAUGHT: In the rule as
 25 proposed, mercury and lead compounds

1 paragraph. Should we not put that
 2 in the definition section or at least
 3 in Subchapter 1?

4 MS. MYERS: Define 1.
 5 MR. BRANECKY: Regulated
 6 toxic air pollutant. That second
 7 sentence defines what regulated air
 8 toxic pollutant is. It might be
 9 better if it was listed in a
 10 definitions section by itself or
 11 somewhere where somebody could easily
 12 find it, put it in Subchapter 1
 13 maybe? If we define regulated air
 14 pollutant in Subchapter 1, it's
 15 something to consider.

16 And then the other comment that
 17 I've got is on the last paragraph,
 18 Provisions for Fee Adjustment. I
 19 would suggest where we talk about the
 20 invoiced annual operating fee shall
 21 be discounted appropriately. Could
 22 we replace "appropriately" with
 23 "proportionately"? Would that be
 24 more accurate?

25 MR. TERRILL: David, let's

1 are exempted under 5.23(b)(3) from
 2 being included for those permitted
 3 sources. In 1 and 2 it just
 4 references any stationary source will
 5 pay the annual operating fee.
 6 Doesn't -- and with Oklahoma's --
 7 with our broad definition of
 8 stationary source, I don't think that
 9 the intent was to include incidental
 10 type emissions of mercury that may
 11 even happen at residences in
 12 individual households. So can we put
 13 a reference in there that those fees
 14 apply to permitted -- that mercury
 15 and lead fees apply to permitted
 16 facilities?

17 MR. TERRILL: Yeah. That's
 18 a good point and we'll clarify that
 19 before we bring something back to you
 20 all in January.

21 MR. BRANECKY: And a couple
 22 more questions. I would suggest
 23 under 5-2.3 (inaudible)
 24 applicability. We actually define
 25 the term in the applicability

1 look at that because -- let me think
 2 about that because I know what you're
 3 getting at that it should be fair
 4 across the board --

5 MR. BRANECKY: Right.
 6 MR. TERRILL: -- but there
 7 may be instances where one area may
 8 be -- or one category of sources may
 9 be disproportionately affected and we
 10 might want to think about doing
 11 something different. So let's run
 12 some scenarios and think about that.
 13 I don't disagree with what you're
 14 saying, I just want to make sure
 15 that we don't limit ourselves if
 16 there turns out to be a time when if
 17 we did it across the board for
 18 everybody it amounts to 10 cents or
 19 20 cents or something fairly
 20 insignificant when if we targeted for
 21 an area that was paying something
 22 they really shouldn't be that was
 23 disproportionate that we might want
 24 to target that. But that would kind
 25 of be something we would let you

1 guys know -- let the Council know
 2 about what we were doing and as
 3 such, the fee payers know what we
 4 were doing. But I think the goal
 5 would be to be equitable across the
 6 board, but let's -- we'll take a
 7 look at that. That's a good point.
 8 MR. BRANECKY: Okay. My
 9 other question then would be, would
 10 there be -- it seems like there's
 11 maybe a need for an annual review
 12 maybe by the Council of the fees and
 13 expenditures -- does the Finance
 14 Committee do that -- so we can see
 15 how things are going as a Council?
 16 MR. TERRILL: It is the
 17 idea here, for instance, if we way
 18 undershoot the number of -- making
 19 the assumption we get it and
 20 something similar to what we've asked
 21 for, and it turns out we've got ten
 22 times more area sources than what we
 23 thought and consequently we've got
 24 ten times more money that we don't
 25 end up spending that for gold plated

1 enforcement, for instance, is
 2 appropriate, whereas I do. So maybe
 3 we can figure out something. But
 4 your point is well taken in that
 5 there is a lot of unknowns about the
 6 way that we're doing this fee
 7 structure. And I don't really -- to
 8 be honest with you, I don't really
 9 have a good feel for what this
 10 really will mean when we actually
 11 start looking at the number of area
 12 sources out there and trying to apply
 13 this fee across the board. It could
 14 be that if we've got that many more
 15 than we think we've got, then we may
 16 want to adjust that downward to more
 17 reflect that cost. But we would
 18 accept some sort of mechanism to
 19 address what I think is your concern.
 20 MR. BRANECKY: Yeah. If
 21 I'm going to vote for this, you
 22 know, I have an obligation, I think
 23 that we as a Council, to make sure
 24 that what we're voting for is proper.
 25 And if we could maybe just get a

1 computers and what have you. Is it
 2 that kind of idea? Because I don't
 3 have a problem with that. But what
 4 I would have an issue with is, you
 5 know, the bulk of our costs is
 6 personnel costs. And then we do
 7 have some discretionary -- what I
 8 call discretionary spending where we
 9 replace computers on a periodic basis
 10 and travel and all that kind of
 11 thing. I don't think you all want
 12 to get into taking a look at how
 13 we're running our business. And to
 14 be frank about it, I don't want you
 15 to be telling me how to run my
 16 business. Not that I don't trust
 17 you but it's both ways here. You
 18 don't want to trust me not to raise
 19 your fees if it doesn't explicitly
 20 say so, and I'm not necessarily
 21 comfortable with having you all take
 22 a look at what our budget is and how
 23 we're doing things. Because you may
 24 not think that what we're doing in
 25 the area of compliance and

1 report on what's coming in from
 2 different sources.
 3 MR. TERRILL: Now that's
 4 totally appropriate. Yeah.
 5 MR. BRANECKY: And I'm not
 6 in here to tell you how to do your
 7 business.
 8 MR. TERRILL: Right.
 9 MR. BRANECKY: I just think
 10 that we, as a Council, have an
 11 obligation to the regulated community
 12 to make sure that what we're voting
 13 for is being done properly.
 14 MR. TERRILL: What we'll do
 15 between now and January is we'll work
 16 with Laura and Jim and try to come
 17 up with something that they're
 18 comfortable with to propose back to
 19 you all, so that it's on the record
 20 how we do that. That's not an
 21 inappropriate-type request. I just
 22 want to make sure we've got the
 23 boundaries kind of outlined. That's
 24 a good suggestion.
 25 MS. MYERS: I've got a

1 question on that next to the last
2 Paragraph D. On the basis per
3 annual operating fees for permitted
4 sources, it says the annual operating
5 fees for permitted sources shall be
6 calculated on source specific basis
7 and based on actual emissions. Now
8 is that assuming that AP42 is good
9 enough or is that assuming that
10 everybody is going to be actually
11 testing for some of the HAPs and
12 getting the details of what they got?
13 With this actual emissions, to me
14 that means you've got to go test for
15 it.

16 MS. BOTCHLET-SMITH: These
17 are the HAPs that are reported in
18 the TERRA (ps) each year. So it's
19 -- we're going to be dependent upon
20 what industry reports with their
21 annual emissions inventory to know
22 what that value is. So it's the
23 actual emissions that you -- everyone
24 has been reporting in our annual
25 emissions inventory on an annual

1 suspect they would do an analysis and
2 determine whether or not it's cost
3 effective to do the sampling, or that
4 they think that the only thing they
5 report to is overstate what they've
6 got. So they'd weigh that --
7 (inaudible) but we wouldn't want to
8 dictate. That's their business on
9 how they'd want to do that unless we
10 had suspicions that there was an
11 issue relative to a complaint or some
12 other public health reason that we
13 would want to require them to do
14 something beside -- it wouldn't be
15 for this purpose. But we can
16 clarify that because that's not what
17 we intended to do.

18 MS. MYERS: As reported in
19 the emissions inventory. And then
20 that --

21 MR. TERRILL: Yes. We can
22 clarify that.

23 MS. MYERS: -- that gives
24 some options for doing the
25 calculations as opposed to having

1 basis. It's just that since that's
2 out separate as HAPs and listed
3 separately as HAPs in that turnaround
4 document it would just be fee'd at a
5 separate rate than the others. Does
6 that answer your question?

7 MS. MYERS: Yes and no. It
8 might be worthwhile to put as
9 reported in the emissions inventory.
10 If you say based on actual emissions,
11 I can see where there might be
12 somebody on either side of the fence,
13 regulated community or enforcement
14 side of the fence, saying you have
15 to go test. And then there's
16 alternate methods for calculating it.

17 MR. TERRILL: Right. And
18 to be honest with you I don't think
19 -- we hadn't thought about that but
20 then we probably wouldn't think about
21 that. That's a good point. We
22 would leave that up to the source to
23 determine whether or not they believe
24 that the factors accurately reflect
25 what it is they're emitting. I

1 somebody coming in and saying you
2 have to test -- stack test for this
3 facility.

4 MR. TERRILL: Right.
5 b-s: That's exactly how
6 it's reported in your annual
7 emissions inventory.

8 MS. MYERS: Yeah. But it
9 needs to be closer together.

10 MS. BOTCHLET-SMITH: Other
11 questions from the Council?

12 Back when David was talking, it
13 occurred to me that one other point
14 that we might want to make in this
15 provision for the fee adjustment, one
16 of the comments was, you know, we
17 need to look at the other income. I
18 just think it's real important to
19 make the point that if that income
20 is general revenue, if folks go out
21 and try to generate interest over at
22 the Legislature for our state
23 appropriations to be restored or
24 increased or whatever, it's going to
25 be very important that that comes

1 back as a line item that this is
 2 money for Air Quality. Just going
 3 over and saying DEQ needs more money
 4 is not going to help Air Quality.
 5 It's going to have to say DEQ
 6 appropriations are increased,
 7 X-number of whatever dollars it would
 8 be, for the purpose of Air Quality
 9 in order for us to consider it in
 10 that provision for fee adjustment.
 11 Because there is no guarantee that we
 12 would get it.

13 MR. BRANECKY: And that
 14 applies to the same thing if there's
 15 a gasoline tax or car tag tax.

16 MS. BOTCHLET-SMITH: Well,
 17 yeah, I would believe that would be
 18 correct. Especially since that could
 19 require statute changes.

20 MR. HAUGHT: And part of
 21 the (inaudible) we might want to look
 22 at is this is based on some fixed
 23 costs and some escalating costs but
 24 on a declining revenue because of
 25 fewer emissions from the economic

1 then figuring out what we would need
 2 moving forward.

3 The other point -- I think
 4 I've said this in the past, is that
 5 it puts the stationary source fee
 6 payers in an interesting position.
 7 Especially the large sources like
 8 utilities, where the pressure is
 9 going to be to cut your emissions
 10 and as such your fees go down, our
 11 fees -- revenue goes down and then
 12 the pressure is to raise your fees
 13 for what you've been asked to do and
 14 that doesn't quite seem fair. It
 15 never has quite seemed fair that we
 16 ask facilities to reduce their ---

17 MS. MYERS: They penalize
 18 you for improving.

19 MR. TERRILL: Right. And
 20 penalize you for improving. But on
 21 the other hand, our workload and what
 22 we're being asked to do is not being
 23 reduced proportionally. EPA talks a
 24 lot about, well, we'll give you these
 25 things, we'll take something away;

1 turndown. So part of this to look
 2 at -- we're establishing these fixed
 3 fees now, that aren't necessarily
 4 throughput related except for the --
 5 the way I take it is that in most
 6 cases they are, but on the area
 7 sources it's not. But as the
 8 economy turns around and business
 9 ramps up and those normal fees may
 10 well come back up and so that's -- I
 11 don't think it would just be totally
 12 balanced. And I think Eddie is
 13 right. Just in the big picture is
 14 what we might want to look at, it's
 15 just to make sure that we're not
 16 doing this -- making this adjustment
 17 because of all of these downfalls in
 18 revenue and putting them in place,
 19 fixing them, and then having an
 20 increase in that revenue and without
 21 cost proportionately going up.

22 MR. TERRILL: Yeah. And I
 23 agree with that and that would be
 24 part of what we would look at
 25 relative to the money coming in and

1 well, I have yet in the twelve years
 2 seen what they take away. And I
 3 don't see that getting any better any
 4 time soon. There are just so many
 5 things that they're looking at
 6 relative to NAAQS changes that are
 7 ramping up our need to respond and
 8 take a look things. Areas that we
 9 have known about but really haven't
 10 been a concern to us because we
 11 didn't have sources that were
 12 impacted. We are really needing to
 13 start taking a look at modeling, for
 14 instance, for SO2 and NOx. So it's
 15 just a tough position for us to be
 16 in asking for money at the same time
 17 we're really leaning on the sources
 18 hard to reduce their emissions. And
 19 I've had a lot of dialogue with EPA
 20 about how you're going to fix that
 21 because there is no doubt that we do
 22 need to have a trending down of some
 23 of our larger sources if we're going
 24 to meet these ozone standards but yet
 25 we can't continue to say, you know,

1 you've reduced your emissions but we
2 need more money because you did that.

3 But this is, I guess, a step
4 in the direction of stabilizing some
5 of that. But you're right, on the
6 front-end, even though -- if we got
7 exactly what we asked for, we may
8 have to lower that in some fashion
9 across the board or target it so
10 that when the economy does get
11 better, you know, we only need what
12 we need.

13 And I would also point out
14 that we're not going to get any more
15 FTEs from the Legislature, probably
16 in my career. It's just not going
17 to happen. So what we've looked at
18 is what we believe to be our
19 workload over the next five years
20 making an assumption that the
21 greenhouse gas rule gets implemented
22 fully and the MACT standards that we
23 know that are out there, that are
24 coming, are actually implemented, we
25 accept that delegation. And we

1 years or 40 years worth of
2 experience. We've got young folks
3 that are trying to fill those shoes
4 of our old hands that could get
5 things out the door quicker, than our
6 new folks can. So it's a matter of
7 us being prepared for the future as
8 well.

9 MS. BOTCHLET-SMITH: Do we
10 have any other -- Montelle?

11 MR. CLARK: Given what we're
12 hearing about the budget for next
13 year, I'm wondering about that
14 remaining \$250,000.00 in
15 appropriations that the Legislature
16 somehow overlooked this year. If
17 that goes away -- I mean do you
18 think there is a chance that could
19 go away? Does that -- is that built
20 into your calculations -- the
21 possibility?

22 MR. TERRILL: It's not. I
23 really don't think that -- well we
24 could suffer some additional cuts. I
25 don't have any idea how they are

1 believe that if we do it in a smart
2 way, especially the implementation of
3 the MACT regs, that we can do the
4 work that's out there with the FTEs
5 that we have on our chart. The
6 problem is that we're not able to
7 fully fund those and realistically
8 it's been difficult in the past for
9 us to fill them. But we've got to
10 make some real commitment to try to
11 get these filled in some form or
12 fashion. Especially, our permit
13 engineers because we're -- we're at
14 the point now where we're going to
15 start losing permit engineers to
16 retirement and other things. We've
17 got to bring some new folks on when
18 we've got the FTEs to backfill so we
19 can start training them and hopefully
20 retain them when we start losing some
21 of our older staff. I think Dawson
22 has got some figures that show we've
23 lost five engineers over the past two
24 or three years, which doesn't sound
25 like that many but it's over 50

1 going to go about replacing stimulus
2 money and some other things like
3 that. But some of these, if you
4 remember, the projections that we did
5 on our benefits are projected out
6 five years so we're not going to
7 need all of that in the first year.
8 And we're not going to be able to
9 fill all these positions immediately
10 anyway. It kind of goes to what
11 David was saying, is we'll have to
12 take a look at our revenue if we
13 were able to get this come this time
14 -- well, it would actually be
15 earlier. But I don't think that
16 would be an issue even if we lost it
17 -- all of our appropriated general
18 revenue money. I think we've got
19 enough of a cushion in there to make
20 up for that, because we're going to
21 be ramping up. But you make a good
22 point.

23 For those of you who have been
24 to the Board meetings and heard Steve
25 talk, he's mentioned that because of

1 this issue of declining revenues,
 2 we're looking at -- for revenue
 3 that's not specifically targeted by
 4 the Legislature, line item like
 5 Beverly had mentioned by the
 6 legislature for a specific purpose
 7 such as Air Quality, Steve is under
 8 a lot of pressure to fund the things
 9 that we don't have a fee source for
 10 like our complaint program and there
 11 are some other things like that in
 12 the other divisions. So that's where
 13 some of this money has gone to
 14 because there really wasn't a target
 15 or earmark, if you will, that the
 16 appropriations had to go to a
 17 specific purpose. He would like for
 18 those agency -- divisions when the
 19 Agencies that aren't -- that are fee
 20 based to make a complete shift away
 21 from general revenue money so that we
 22 can use what general revenue money we
 23 do get to fund those areas that we
 24 have to do that don't have a revenue
 25 source. And that's another reason

1 at this time.
 2 MS. BOTCHLET-SMITH: Note
 3 that Angie is going to pass on her
 4 comment.
 5 Joe Cowan from Buzzi Unicem.
 6 I always mispronounce it. I'm sorry.
 7 MR. COWAN: That's all
 8 right. It rhymes with pizza.
 9 MS. BOTCHLET-SMITH: You
 10 need to push the blue button and
 11 then the light will turn on. There
 12 you are.
 13 MR. COWAN: I would like to
 14 thank the Air Quality Board for the
 15 opportunity to make a comment. And
 16 I would like to complement what I've
 17 heard so far about work put in at
 18 looking at the wide variety of
 19 possible sources of revenue. Sounds
 20 like you've done quite a bit of work
 21 on this issue. Of course, it's been
 22 an issue that for several years and
 23 (inaudible) more than one year worth
 24 of (inaudible) digging around in the
 25 rules and programs and looking at

1 why we've come to the Council and
 2 asked for this. Because we really
 3 would like to replace this with some
 4 other source unless there is enough
 5 support over at the legislature to
 6 specifically earmark general revenue
 7 for a specific Air Quality purpose.
 8 That's a good question, though.
 9 MS. BOTCHLET-SMITH: Okay.
 10 I'm not seeing any other questions
 11 from the Council right now. I do
 12 have several from the audience that
 13 requested to comment. I'll call your
 14 name and you can come to the podium
 15 and then please restate your name for
 16 the court reporter. If there is
 17 anyone who wishes to comment, we
 18 still have some of these forms on
 19 the table and you might fill one of
 20 those out while we're hearing from
 21 the public, so that you do have an
 22 opportunity to speak.
 23 First one, Angie Burkhalter,
 24 OIPA.
 25 MS. BURKHALTER: I'll pass

1 other people besides major sources
 2 who could help with this.
 3 [Inaudible].
 4 As mentioned, I'm with -- we
 5 are representing a company called
 6 Buzz Unicem USA, which is a cement
 7 plant at Pryor, Oklahoma. There are
 8 three cement plants in the State of
 9 Oklahoma. And they are major sources
 10 and fairly significant contributors
 11 to the air emission fees. Not as
 12 big as generators, or electricity, or
 13 (inaudible) petroleum products but
 14 we're still up there somewhere.
 15 And this problem is really
 16 acerbated by -- a new one? Okay.
 17 Is that better?
 18 (Microphone difficulties)
 19 MS. BOTCHLET-SMITH: Better.
 20 MR. COWAN: Okay. The
 21 problem we're facing is acerbated by
 22 the condition of the overall economy.
 23 I assume you've looked at the
 24 emission reports that we're filed
 25 earlier this year. If you have

1 looked at ours, you will notice that
 2 our emissions are down about half, so
 3 the amount of money we're going to
 4 be sending in next year is going to
 5 be about half of what it was this
 6 year. And that's because the market
 7 for cement has reduced, you know, by
 8 that 50 percent. We have three
 9 operating -- well, three kilns at the
 10 plant. One of them will have been
 11 down for two years, in March. This
 12 causes our company to have similar
 13 problems with what the agency has.
 14 But just because the volume of
 15 emissions went down doesn't mean that
 16 the work went down. So you don't
 17 have people that you can take off
 18 the staff in a proportionate manner
 19 with the reduction in emissions and
 20 reductions in revenue. It takes
 21 almost as many cement workers to run
 22 two kilns as it does to run three.
 23 I suspect the competition has similar
 24 kinds of problems. I know that they
 25 are also old plants. We just

1 emissions that Americans breathe,
 2 importing cement to make up for
 3 cement not made here is not a good
 4 thing. The rules don't apply in
 5 plants in Mexico, Brazil, and
 6 Thailand, and so forth. So we have
 7 to be very careful with this issue.
 8 We don't want to throw the baby out
 9 with the bath water here. And I
 10 understand it's a big challenge and I
 11 appreciate the work that you have
 12 done so far, but I just wanted to
 13 emphasize the fact that out in the
 14 business world people are working on
 15 razor thin margins and working as
 16 hard as we can to stay in Oklahoma.
 17 Thank you.

18 MS. BOTCHLET-SMITH: Lundy
 19 Kiger, from AES, Shady Point.

20 MR. KIGER: Thank you. I
 21 appreciate it. I'll say our thanks
 22 to the Council for letting us make
 23 comments.

24 One. My name is Lundy Kiger
 25 with AES Shady Point, we're a 320

1 celebrated our 50th anniversary in
 2 the state of Oklahoma. That means
 3 that we're high cost plants. It
 4 means that newer plants that have
 5 been built elsewhere can make cement
 6 and ship it to Oklahoma cheaper than
 7 we can make it. All three companies
 8 are owned by foreign companies who
 9 have sources of cement outside of the
 10 United States not subject to these
 11 regulations and they can easily make
 12 up for cement not produced in Tulsa
 13 or Ada or Pryor, by shipping it in
 14 from Mexico, for instance.

15 So I would urge the Council to
 16 be extremely diligent at addressing
 17 this problem and not adding to the
 18 cost of doing business where
 19 possible. Every dollar extra it
 20 takes to make a ton of cement means
 21 that our cement made in Oklahoma is
 22 less competitive and is subject to
 23 being replaced by cheaper cement made
 24 elsewhere. And to the extent that
 25 we're all concerned about the

1 megawatt coal-fired plant located in
 2 Leflore County in southeastern
 3 Oklahoma. We sell all of our
 4 electrical output to OG&E.

5 First thing I want to say is
 6 we recognize the funding need of the
 7 Agency and looking for different ways
 8 of meeting that obligation. I want
 9 to mention that our power plant,
 10 we're a permitted facility --
 11 qualifying facility under the Public
 12 Utility Regulatory Policy Act of 1978
 13 created basically by the federal
 14 government. We are a co-generation
 15 plant. I believe we are one of two
 16 co-gens in the state. And one of
 17 the issues -- biggest issue that I
 18 at least want to bring to the
 19 attention of the Council is that with
 20 most companies they make a product or
 21 your utility have the ability to pass
 22 that cost on. One of the -- one of
 23 the biggest problems that we've run
 24 into, we're approaching our 20th year
 25 in business in Oklahoma selling

1 electricity. And with that our
 2 contracts were signed back in the
 3 late '80s and that was at a time
 4 there was not the thought of
 5 greenhouse gases and some of the
 6 other emissions that we're seeing on
 7 the federal level. And any time we
 8 get a mandate from congress to
 9 monitor/measure different types of
 10 emissions we do not have the ability
 11 to pass any of those costs on. So
 12 those go directly to our bottom line.
 13 So the thing that I would ask that
 14 when you consider the fees, to
 15 recognize that all power plants,
 16 whether it be coal-fired or gas fired
 17 they are not all created equal
 18 because we do not have the ability
 19 to pass any of those costs on being
 20 a plant that is under contract that
 21 is fully dispatched by our customers.
 22 And from the position where we're at
 23 today it looks like that it will be
 24 extended out, we will go ahead and
 25 put this in writing and send in

1 written is that it -- the whole
 2 category would be excluded. There
 3 wouldn't be any -- any area sources.
 4 Essentially, all of the area sources
 5 are supposed to have a permit. So I
 6 wonder if that the -- is there a
 7 plan to change the definitions of the
 8 permit requirements or what?
 9 MR. UNIDENTIFIED: Yeah.
 10 (inaudible) to the permitting
 11 section, I'll just clarify the
 12 interpretation of our Subchapter 7 is
 13 subject to areas source NESHAPs.
 14 There is kind of what you could
 15 call, not necessarily a loophole, but
 16 just the interpretation of when a
 17 permit is needed. The area source
 18 NESHAPs that are existing do fall out
 19 of our construction permit and
 20 operating permit rule, so the sources
 21 that are subject would be new or
 22 modified area source and major source
 23 -- well major source is not an
 24 issue, but minor source affected area
 25 sources. So those are exempted or

1 written comments for you to consider.
 2 And I want to thank you again
 3 for the time to be able to speak.
 4 MS. BOTCHLET-SMITH: Don
 5 Whitney from Trinity Consultants.
 6 MR. WHITNEY: Yes. Thanks
 7 from Trinity Consultants. Just a
 8 quick clarification I wondered on the
 9 fee schedule, Items 4, 5, and 6
 10 (inaudible microphone difficulty) the
 11 area sources and my question is about
 12 the wording. Each one of these
 13 paragraphs says, but not subject to
 14 the permitting requirements of
 15 Chapters 7 and 8. And my
 16 understanding of 7 and 8 it said if
 17 you are subject to a MACT Standard
 18 you have to have a permit. There's
 19 -- there's -- there is no way out of
 20 that. If you're permitting an exempt
 21 facility or if you want to be a
 22 permit exempt facility, or a
 23 de minimus facility you cannot be
 24 subject to any federal subpart.
 25 Therefore, the way it seems to be

1 kind of -- are not subject to the
 2 construction and operating permit
 3 phase, it's only new or modified.
 4 MS. BOTCHLET-SMITH: Okay.
 5 Did I miss anyone in the public that
 6 wants to speak?
 7 Okay. Seeing no hands and
 8 hearing no voices, we'll go back to
 9 the Council to see if you all have
 10 thought of anything else that you
 11 would like to ask anyone on the
 12 staff.
 13 MR. TERRILL: There is a
 14 lot of people here today and I'm
 15 assuming you're either here about the
 16 greenhouse gases or the fee thing.
 17 Excuse me. Please, if you've got
 18 comments about our fees, please
 19 submit them early. Because we really
 20 need to make some sort of resolution
 21 on this in January. So if you've
 22 heard the presentation today and have
 23 specific comments that you want us to
 24 consider or alternatives that you
 25 want us to consider, please get those

1 to us as soon as possible, because
2 we really would like to -- if there
3 is something that we haven't thought
4 of, we really want to try and make
5 this as fair and equitable as we
6 possibly can and so that would be
7 very helpful, and also from the
8 Council.

9 I'm assuming that we'll come
10 back to you all with some proposals
11 on construction fee changes and some
12 of the other things that we've heard
13 about. But if there is any
14 questions or directions that you all
15 want to give us having that within
16 the next two or three weeks would be
17 really helpful. I know we've passed
18 out copies of today's presentation to
19 everybody. We didn't want to make
20 -- we didn't have any idea how many
21 copies to make so the proposal or
22 the presentation that Pat Sullivan
23 made will be posted on our website
24 sometime later this afternoon or in
25 the morning so that you can access

1 well as adjusting the language for
2 capping minor sources with some kind
3 of a cap on how many pollutant --
4 how much they could be charged for
5 pollutants and some kind of a rider
6 in there about greenhouse gases and
7 anything about -- if their -- they
8 won't be charged until something is
9 brought to the Council or some kind
10 of a caveat.

11 With that said, does anybody
12 else on the Council have any --
13 okay. Do we have a motion?

14 MR. BRANECKY: I move that
15 we continue Subchapter 5 to the
16 January meeting.

17 MS. MYERS: I'll second
18 that.

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

22 MS. BRUCE: Bob Lynch.

23 DR. LYNCH: Yes.

24 MS. BRUCE: Pete White.

25 MR. WHITE: Yes.

1 that and take a look at it. But I
2 wanted the Council to have a hard
3 copy presentation. So when you have
4 time to think about it, if you have
5 directions and things that you would
6 like to see us do, please let us
7 know as soon as you can.

8 MS. BOTCHLET-SMITH: Laura,
9 the recommendation from staff was to
10 continue this to the January meeting.
11 It's been a while since we stated
12 that.

13 MS. LODES: Yes.
14 Eddie, on your direction. I
15 guess the only two items that I have
16 would be -- and I don't know if the
17 other Council Members have anything
18 else, would be -- I know you had
19 said that my comments were about a
20 part that's not open. I know that
21 another thing that's not open is the
22 sections of Subchapter 7 and 8 for
23 fees. And I would like for the DEQ
24 to look at adjusting -- the possibly
25 of adjusting fees for applications as

1 MS. BRUCE: David Branecky.
2 MR. BRANECKY: Yes.
3 MS. BRUCE: Jim Haught.
4 JIM HAUGHT: Yes.
5 MS. BRUCE: Sharon Myers.
6 MS. MYERS: Yes.
7 MS. BRUCE: Gary Collins.
8 MR. COLLINS: Yes.
9 MS. BRUCE: David Gamble
10 MR. GAMBLE: Yes.
11 MS. BRUCE: Montelle Clark.
12 MR. CLARK: Yes.
13 MS. BRUCE: Laura Lodes.
14 MS. LODES: Yes.
15 MS. BRUCE: Motion passed.
16 (End of Item 5A)

17 (Item 5D)

18 MS. BOTCHLET-SMITH: The
19 next Item on the Agenda is Item 5D.
20 This is the OAC 252:100-8, Permits
21 for Part 70 Sources. Dr. Joyce
22 Sheedy will also give this
23 presentation.

24 DR. SHEEDY: Madam Chairman,
25 Members of the Council, ladies and

1 gentlemen, the Department is
 2 proposing to modify Subchapter 8,
 3 Permits for Part 70 Sources. The
 4 modifications will incorporate the
 5 provisions of EPA's Greenhouse Gas
 6 Tailoring Rule into Parts 5 and 7
 7 and the requirements of the PM 2.5
 8 NSR implementation rule into Parts 7
 9 and 9 as permanent revisions.

10 We have proposed a few other
 11 changes that are primarily format
 12 changes or removal of redundant
 13 language or insertion of language for
 14 clarity that are not intended to be
 15 substantive.

16 We are however, taking the
 17 opportunity to correct an error in
 18 the definition of "major stationary
 19 source" on Page 13 in (A) (i) (XIV).
 20 The charging rate of 50 tons per
 21 year of -- I mean, 50 tons of refuse
 22 per day should be 250 tons of refuse
 23 per day to match the federal
 24 definition in 40 CFR
 25 51.166(b)(1)(i)(a) and (iii)(h).

1 The Department proposes to add
 2 to the permanent rule those
 3 modifications that were made to the
 4 emergency rule at the hearing earlier
 5 today. The Department is also
 6 proposing to modify Parts 7 and 9 of
 7 Subchapter 8 to include the PM 2.5
 8 NSR implementation for the 1997 and
 9 the 2006 PM 2.5 NAAQS. The final
 10 Phase 1 of the PM 2.5 modification
 11 was published in the Federal Register
 12 on May 16, 2008.

13 Phase 2 was proposed in
 14 September of 2007 and the final rule
 15 was published in the October 20, 2010
 16 Federal Register.

17 The State is required to submit
 18 a SIP revision to EPA by May 16,
 19 2011 incorporating Phase 1 of the PM
 20 2.5 NSR implementation rule. The
 21 Department has delayed incorporating
 22 the Phase 1 modification in
 23 Subchapter 8 until EPA promulgated
 24 Phase 2. Unfortunately EPA's action
 25 on Phase 2 came in too late to be

1 This correction is a substantive
 2 change.

3 The changes relating to
 4 greenhouse gas are substantively the
 5 same as those presented for the
 6 emergency rulemaking and would set
 7 applicability thresholds for
 8 greenhouse gas for the PSD permitting
 9 program and the Part 70 permitting
 10 program at 100,000 tons a year, CO2e
 11 (ps) and for the PSD modification
 12 threshold at 75,000 tons a year CO2e
 13 to match those contained in the
 14 federal Greenhouse Gas Tailoring Rule
 15 published in the Federal Register on
 16 June 3, 2010. This would reduce the
 17 number of permits required by the
 18 inclusion of greenhouse gas emissions
 19 as a regulated pollutant to a
 20 manageable level and would also
 21 prevent the State Permit Rules from
 22 being more stringent than the
 23 corresponding Federal Permit Rules
 24 insofar as greenhouse gas is
 25 concerned.

1 included in the proposed revision to
 2 Subchapter 8. We have included EPA's
 3 proposed Phase 2 changes in the
 4 proposed rule modification as "place
 5 holders" only. These will be
 6 replaced with the final changes when
 7 the permanent rule modifications are
 8 presented at the January 2011 Council
 9 meeting.

10 Because the greenhouse gas
 11 modification and the PM 2.5
 12 modification both include changes to
 13 the same section OAC 252:100-8-31 and
 14 even to the same definition
 15 "Regulated NSR pollutant", the
 16 greenhouse gas and PM 2.5
 17 modifications must be processed
 18 together or the PM 2.5 modification
 19 may be delayed by a year which would
 20 put us further behind in getting our
 21 SIP revision to EPA.

22 Phase 1 of the PM 2.5 NSR
 23 implementation rule revises the
 24 definition of "regulated NSR
 25 pollutant" for both PSD and

1 non-attainment area NSR to include
 2 constituents and precursors of
 3 pollutants which have NAAQS and
 4 requires that condensable particulate
 5 matter be accounted for in
 6 applicability determinations and
 7 emission limitations for PM, PM 2.5,
 8 and PM 10 in PSD permits. The
 9 definition of "significant" for PSD
 10 is revised to include a significant
 11 level for direct PM 2.5 emissions as
 12 well as significant levels for the PM
 13 2.5 precursors SO2 and NOx.

14 EPA has revised the emission
 15 offset requirements for
 16 non-attainment NSR which are
 17 incorporated by reference in OAC
 18 252:100-8-51.1.

19 Phase 2 establishes increments,
 20 and Significant Impact Levels known
 21 as SILs, and a Significant Monitoring
 22 Concentrations or SMCs for PM 2.5.
 23 The new increments will be effective
 24 October 20, 2011. The PM 10
 25 increments will remain in effect.

1 those.

2 The staff recommendation is
 3 that since this is first time these
 4 proposed modifications have been
 5 presented to the Council and we have
 6 not been able to include the Phase 2
 7 PM2.5 values, we ask that the Council
 8 continue this hearing on the
 9 permanent GHG modifications and the
 10 PM2.5 NSR implementation to the
 11 January 2011 Council meeting so that
 12 we can add those recent PM2.5
 13 figures.

14 That completes my presentation.

15 MS. BOTCHLET-SMITH: Do we
 16 have any questions from the Council
 17 for Dr. Sheedy? Okay.

18 Any questions from the public
 19 regarding this rule?

20 Seeing no hands, hearing no
 21 comments, Council? Laura.

22 MS. LODES: Okay. The
 23 Agency has asked us to carry these
 24 rules over to the January Council
 25 meeting.

1 The SILs and the SMC will become
 2 effective on December 20, 2010. The
 3 increments will be contained in
 4 Subchapter 3.

5 Notice of the proposed
 6 permanent rule changes was published
 7 in the Oklahoma Register on September
 8 15, 2010. The notice requested
 9 written comments from the public and
 10 other interested parties. On October
 11 25, 2010, we received comments via
 12 e-mail from Shannon S. Broome of the
 13 Air Permitting Forum regarding the
 14 greenhouse gas emissions. Those
 15 comments were discussed in the
 16 earlier hearing on the emergency
 17 Subchapter 8 and Subchapter 1
 18 revisions.

19 This morning we received
 20 comments from Jeff Robinson in the
 21 Air Permits Section of EPA Region 6,
 22 which expressed support of the
 23 proposed emergency rule revisions
 24 concerning greenhouse gas and
 25 encouraging DEQ to expeditiously pass

1 Do I have a motion?

2 MS. MYERS: I so move.

3 MS. LODES: Do I have a
 4 second?

5 MR. CLARK: Second.

6 MS. LODES: I have a motion
 7 and a second.

8 Myrna, will you please call
 9 roll?

10 MS. BRUCE: Bob Lynch.

11 DR. LYNCH: Yes.

12 MS. BRUCE: Pete White.

13 MR. WHITE: Yes.

14 MS. BRUCE: David Branecky.

15 MR. BRANECKY: Yes.

16 MS. BRUCE: Jim Haught.

17 JIM HAUGHT: Yes.

18 MS. BRUCE: Sharon Myers.

19 MS. MYERS: Yes.

20 MS. BRUCE: Gary Collins.

21 MR. COLLINS: Yes.

22 MS. BRUCE: David Gamble

23 MR. GAMBLE: Yes.

24 MS. BRUCE: Montelle Clark.

25 MR. CLARK: Yes.

1 MS. BRUCE: Laura Lodes.
 2 MS. LODES: Yes.
 3 MS. BRUCE: Motion passed.
 4 MS. BOTCHLET-SMITH: The
 5 next Item one the Agenda for today
 6 is Item Number 5E. This is OAC
 7 252:100-2, Incorporation by
 8 Reference; and Appendix Q,
 9 Incorporation by Reference.
 10 And Ms. Nancy Marshment will
 11 give the staff presentation.
 12 MS. MARSHMENT: Madam Chair,
 13 Members of the Council, ladies and
 14 gentlemen, my name is Nancy Marshment
 15 and I am the Environmental Program
 16 Specialist with the Air Quality
 17 Division.
 18 The Department is proposing
 19 to clarify language in Subchapter 2,
 20 incorporation by reference to better
 21 connect its references to Appendix Q.
 22 This is the first time we've actually
 23 taken that action in updating
 24 Appendix Q.
 25 In addition the Department is

1 revoking the old and creating an
 2 entirely new appendix. No other
 3 changes are being made to the ten
 4 pages in between, so in an effort to
 5 reduce paper the staff did not
 6 include the copies of those pages for
 7 the handout that's in your folder.
 8 The entire appendix is, however,
 9 included in your previously mailed
 10 packets and copies have been provided
 11 for those in attendance this morning.
 12 At this time 240 CFR rules are
 13 being proposed for new -- new parts
 14 are being proposed for incorporation
 15 by reference in Appendix Q. 40 CFR
 16 Part 63 Subpart BBBB, National
 17 Emission Standards for Hazardous Air
 18 Pollutants for Area Sources Chemical
 19 Preparations Industry; and 40 CFR
 20 Part 63, Subpart DDDDDD, National
 21 Emission Standards for Hazardous Air
 22 Pollutants for Area Sources Prepared
 23 Feeds Manufacturing.
 24 Also the title -- titles for
 25 two subparts have been modified to

1 proposing to revoke the current
 2 Chapter 100, Appendix Q incorporation
 3 by reference and adopt a new Appendix
 4 Q. This proposal is part of the
 5 annual update of Title 40 Code of
 6 Federal Regulations Incorporations by
 7 Reference in Chapter 100.
 8 The update would incorporate
 9 those federal regulations listed in
 10 Appendix Q as they existed on
 11 September 1, 2010 and any amendments
 12 to standards listed will also be
 13 incorporated.
 14 In your folder is a one-page
 15 document showing the changes on the
 16 -- that -- here on the first and
 17 last pages of the appendix -- the
 18 new appendix. Staff felt this
 19 unofficial version with all changes
 20 clearly identified would be helpful
 21 for discussion purposes since the
 22 proposed new appendix does not show
 23 the changes.
 24 The Oklahoma rules on
 25 rulemaking dictate the procedure of

1 reflect more precisely the titles as
 2 they appear in the Code of Federal
 3 Regulations. Those minor changes are
 4 also shown in your handout. They
 5 are Part 63 (CCCCC) National
 6 Emission Standards for Hazardous Air
 7 Pollutants for Area Sources Paints
 8 and Allied Products Manufacturing.
 9 And Part 64 changed all -- subpart
 10 to all sections.
 11 In addition to these changes
 12 the update would include changes to
 13 40 CFR Part 63 Subpart Quad (Z)
 14 National Emission Standards for
 15 Hazardous Air Pollutants for
 16 stationary Reciprocating Internal
 17 Combustion Engines or RICE that make
 18 the NESHAP applicable to area
 19 sources. EPA estimated that this
 20 standard change resulted in an
 21 additional 330,000 engines becoming
 22 subject to the NESHAP nationwide.
 23 The Department expects that thousands
 24 of these engines are located in
 25 Oklahoma.

1 Notice for this proposal was
2 published in the Oklahoma Register on
3 September 15, 2010 for these proposed
4 changes. The Notice requested
5 written comments from the public and
6 other interested parties. No
7 comments have been received as of
8 today.

9 Staff is working to identify
10 the additional workload associated
11 with this proposal, especially
12 regarding area sources. Staff,
13 therefore, requests that the Council
14 hold its vote over on this rule to
15 the January 2011 meeting as further
16 work is needed to analyze the
17 inclusion of the recent changes to
18 federal regulations.

19 Thank you.

20 MS. BOTCHLET-SMITH: Do I
21 have any questions from the Council?

22 MR. HAUGHT: I want to ask
23 this. In the purpose section, what
24 was the reason for the change in the
25 language in the purpose section of

1 know, incorporated by reference
2 rather than just the statement, to
3 see Appendix Q. So that it actually
4 states in the rule that those rules
5 are incorporated by reference in the
6 rule rather than just in the
7 appendix. The preference would be to
8 leave it specifically Title 40.

9 MR. HAUGHT: Appendix Q --
10 the federal Appendix Q is listed
11 there and so in this case it was --
12 it's limited at what's being
13 incorporated by reference, but it
14 looks like it was intentionally
15 changed to really broaden that to say
16 we're going to incorporate by
17 reference all applicable provisions
18 of federal regulations. So I just
19 wondered why the need for the change.

20 MR. KIRLIN: The addition of
21 the 2-2.1 was just to actually --
22 you know, we stated previously that
23 the purpose was to incorporate and
24 then that was -- that section just
25 does the act of actually

1 that?

2 MR. BRANECKY: The question
3 is why was it broadened so much
4 beyond Part -- Title 40.

5 MR. HAUGHT: Yeah.

6 MS. MARSHMENT: It was
7 mainly just to clarify and tie it
8 better to Appendix Q. I don't think
9 was -- I don't have the language in
10 front of me. I don't think it was
11 that specific.

12 MR. SINGLETARY: I believe
13 that one the purposes was to clarify.

14 (Inaudible multiple conversations)

15 MR. KIRLIN: I'm Brooks
16 Kirlin, Engineer with Rules and
17 Planning.

18 Primarily, the intent under
19 "purpose" was not to broaden. I
20 understand why there might be that
21 thought. It's simply to clean up
22 that paragraph and actually have a
23 paragraph that says -- primarily has
24 the other provisions where it
25 actually says that they are, you

1 incorporating it by reference.

2 MS. BOTCHLET-SMITH: Other
3 questions from the Council? I didn't
4 receive any indication someone from
5 the public wished to comment. Anyone
6 decided they have a question at this
7 point?

8 Seeing none, if the Council
9 doesn't have any questions, it's back
10 to you Laura.

11 MS. LODES: The Agency has
12 asked that we continue this to the
13 next Council meeting. Do I have a
14 motion?

15 MS. MYERS: So moved.

16 MR. BRANECKY: Second.

17 MS. LODES: I have a motion
18 and a second. Myrna, please call
19 roll.

20 MS. BRUCE: Bob Lynch.

21 DR. LYNCH: Yes.

22 MS. BRUCE: Pete White.

23 MR. WHITE: Yes.

24 MS. BRUCE: David Branecky.

25 MR. BRANECKY: Yes.

1 MS. BRUCE: Jim Haught.
 2 JIM HAUGHT: Yes.
 3 MS. BRUCE: Sharon Myers.
 4 MS. MYERS: Yes.
 5 MS. BRUCE: Gary Collins.
 6 MR. COLLINS: Yes.
 7 MS. BRUCE: David Gamble
 8 MR. GAMBLE: Yes.
 9 MS. BRUCE: Montelle Clark.
 10 MR. CLARK: Yes.
 11 MS. BRUCE: Laura Lodes.
 12 MS. LODES: Yes.
 13 MS. BRUCE: Motion passed.
 14 MS. BOTCHLET-SMITH: That
 15 concludes the hearing portion of
 16 today's meeting. Laura, it's all
 17 yours.
 18 (Hearings Concluded)

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 meeting is the truth,
 9 the whole truth, and nothing but the
 10 truth; that the foregoing meeting was
 11 tape recorded and thereafter
 12 transcribed by me; that said meeting
 13 was taken on the 10th day of June,
 14 2010, at Tulsa, Oklahoma; and that I
 15 am neither attorney for, nor relative
 16 of any of said parties, nor otherwise
 17 interested in said action.
 18 IN WITNESS WHEREOF, I have
 19 hereunto set my hand and official
 20 seal on this, the 21st day of June,
 21 2010.
 22 CHRISTY A. MYERS, C.S.R.
 23 Certificate No. 00310
 24 (Meeting Concluded)

STATE OF OKLAHOMA) C E R T I F I C A T E
 COUNTY OF OKLAHOMA)) ss:
 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 and
 thereafter transcribed by me; that
 said meeting was taken on the 2nd
 day of June, 2010, at Oklahoma City,
 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 4th day of July,
 2010.
 CHRISTY A. MYERS, C.S.R.
 Certificate No. 00310

Keyword Index

\$	10,000 [2] 24:22,25	252:100-5 [1] 3:6	75,000 [1] 79:13
\$1,480,000.00 [1] 4:12	100 [6] 11:21 20:8 23:4 25:18 87:3,8	252:100-5-2.3 [1] 19:18	750 [1] 39:10
\$100.00 [3] 16:2 17:12 22:7	100,000 [3] 25:1,5 79:11	252:100-8 [1] 77:20	8
\$11.60 [1] 8:20	13 [1] 78:20	252:100-8-31 [1] 81:14	8 [9] 39:12 71:15,16 75:22
\$115,000.00 [1] 17:17	14 [1] 18:4	252:100-8-51.1 [1] 82:19	78:3 80:8,24 81:3 83:18
\$12.23 [1] 8:19	15 [2] 83:9 90:4	28 [1] 6:22	80s [1] 70:3
\$14.92 [1] 8:15	15th [1] 27:9	3	86 [2] 7:21,23
\$150,000.00 [1] 17:14	16 [2] 80:13,19	3 [2] 79:17 83:5	87 [1] 8:11
\$152.90 [2] 12:6 13:7	17 [1] 11:24	3,000 [1] 6:25	9
\$16.00 [2] 15:20 21:6	18,000 [1] 6:16	320 [1] 68:25	9 [2] 78:10 80:7
\$165.00 [1] 12:15	187 [3] 11:6 20:4,11	330,000 [1] 89:22	99 [1] 11:22
\$19.40 [1] 9:3	1978 [1] 69:12	35 [1] 11:12	A
\$200.00 [2] 13:12,25	1997 [1] 80:9	37 [1] 17:18	a)(i)(xiv) [1] 78:20
\$212,764.00 [1] 17:13	2	4	ability [4] 38:11 69:21 70:10,18
\$245,000.00 [1] 4:13	2 [9] 26:7 43:3 80:14,25 81:1,4 82:20 84:7 86:20	4 [1] 71:9	able [8] 35:6 41:17,20 59:6
\$25.00 [3] 15:21 21:7 36:24	2,900 [1] 6:21	4,000 [5] 9:3,5 36:13,19,21	61:8,13 71:3 84:7
\$250,000.00 [1] 60:14	2.2 [2] 20:20 22:15	40 [12] 9:4 10:18 24:14 25:11 60:1 78:25 87:6 88:16,20 89:14 91:5 92:9	absorb [1] 18:11
\$250.00 [4] 16:21 17:3 24:23 25:20	2.5 [15] 37:2,2 78:8 80:8,10,11,21 81:12,17,19,23 82:8,12,14,23	47 [1] 11:14	accept [5] 37:23 40:9,11 48:18 58:25
\$283,305.00 [1] 17:13	2.8 [1] 15:12	5	acceptable [1] 41:24
\$3.25 [1] 8:13	2.9 [1] 37:4	5 [5] 19:16 20:20 71:9 76:15 78:7	accepting [1] 40:5
\$360.00 [1] 14:1	2.95 [4] 7:24 8:1,6 17:20	5.23(b)(3) [1] 43:1	access [1] 74:25
\$40.00 [1] 12:21	20 [4] 45:19 80:16 82:25 83:3	50 [4] 59:25 66:8 78:21,22	accounted [2] 11:24 82:6
\$44,000.00 [1] 16:8	2005 [1] 6:8	500 [1] 39:10	accurate [1] 44:24
\$50.00 [5] 15:19 16:13 18:12 21:5 22:9	2006 [1] 80:10	50th [1] 67:1	accurately [1] 51:24
\$500.00 [4] 17:4,9 25:2,15	2007 [1] 80:15	51.166(b)(1)(i)(a) [1] 79:1	acerbated [2] 65:16,21
\$56.00 [1] 12:8	2008 [1] 80:13	5-2.3 [1] 43:23	achievable [1] 10:22
\$6.50 [1] 9:7	2009 [2] 4:11 5:6	5a [2] 3:4 77:16	acknowledges [1] 4:4
\$70.00 [1] 12:18	2010 [10] 3:18 4:12 27:9 79:17 80:16 83:3,9,12 87:12 90:4	5d [2] 77:17,19	across [6] 33:13 45:4,17 46:5 48:13 58:9
\$718,750.00 [1] 17:19	2011 [9] 4:22 5:11 26:7 28:6 80:20 81:9 82:25 84:12 90:16	5e [1] 86:7	act [3] 26:23 69:12 93:1
\$75.00 [1] 13:17	2016 [1] 4:24	6	action [4] 26:13 28:6 80:25 86:24
\$750.00 [3] 13:15 17:4 25:6	20th [1] 69:24	6 [2] 71:9 83:22	actual [4] 50:7,13,23 51:10
\$8.88 [1] 12:17	2-2.1 [1] 92:22	6,600 [1] 6:18	actually [13] 34:4,11 43:24
\$860,000.00 [1] 5:15	24 [1] 6:9	63 [7] 10:18 24:15 25:11 88:17,21 89:6,14	48:10 50:10 58:24 61:14
\$862,000.00 [1] 4:23	240 [1] 88:13	64 [1] 89:10	86:23 91:23 92:1,4,22 93:1
1	25 [2] 10:1 83:12	7	ada [1] 67:13
1 [11] 43:3 44:3,4,12,14 80:11,20,23 81:23 83:18 87:12	250 [2] 39:9 78:23	7 [9] 39:12,14 71:15,16 72:12 75:22 78:7,9 80:7	add [3] 19:14 80:2 84:13
1.2 [1] 4:14	252:100-2 [1] 86:8	70 [8] 20:23 21:6 30:6 36:14 37:7 77:21 78:4 79:10	adding [1] 67:17
1.23 [1] 7:19			addition [6] 20:6 21:9 25:7 87:1 89:12 92:21
1.5 [1] 17:14			additional [5] 21:23 28:8 60:24 89:22 90:11
10 [4] 9:25 45:18 82:9,25			

Keyword Index

<p>address [8] 11:1 16:22 20:12 24:1 26:18 33:5 40:7 48:19</p> <p>addressed [1] 28:1</p> <p>addressing [1] 67:16</p> <p>adequately [1] 26:1</p> <p>adjust [6] 17:24 33:16 35:7, 18 37:5 48:16</p> <p>adjusted [2] 28:19 34:19</p> <p>adjusting [6] 32:12 34:18 35:13 75:24,25 76:1</p> <p>adjustment [6] 29:2,4 44:18 53:15 54:10 55:16</p> <p>adjustments [1] 31:21</p> <p>administrative [1] 5:18</p> <p>adopt [2] 18:6 87:4</p> <p>aes [2] 68:19,25</p> <p>affect [1] 23:19</p> <p>affected [3] 35:6 45:9 72:24</p> <p>affects [1] 11:6</p> <p>afternoon [1] 74:24</p> <p>agencies [1] 62:19</p> <p>agency [7] 21:24 26:14 62:18 66:13 69:7 84:24 93:12</p> <p>agenda [5] 3:4,5 26:16 77:19 86:6</p> <p>ago [6] 31:10 32:15,16 40:13,14,17</p> <p>agree [1] 55:23</p> <p>ahead [1] 70:24</p> <p>air [50] 3:19 4:9 7:8 10:15 11:2,13,15 12:4,5 14:12,21, 22 15:18,24 16:2,20 17:1 19:8,21,25 20:4,5,7,10,17, 18,22 21:10,21 22:19 24:2 26:9,23 44:6,7,13 54:2,4,8 62:7 63:7 64:14 65:11 83:14,22 86:17 88:18,22 89:7, 16</p> <p>allied [1] 89:9</p> <p>allow [1] 28:7</p> <p>almost [1] 66:21</p> <p>already [2] 14:25 21:22</p> <p>alternate [1] 51:16</p> <p>alternative [3] 27:6 33:17 40:10</p>	<p>alternatives [2] 28:8 73:24</p> <p>ambient [1] 7:8</p> <p>amended [1] 23:9</p> <p>amendments [1] 87:12</p> <p>americans [1] 68:1</p> <p>ammonia [2] 22:11,13</p> <p>amount [1] 66:3</p> <p>amounts [3] 14:15 35:21 45:18</p> <p>analysis [2] 16:7 52:1</p> <p>analyze [1] 90:17</p> <p>angie [2] 63:23 64:3</p> <p>anniversary [1] 67:1</p> <p>annual [30] 3:8 5:4 7:22 13:17 19:18 20:14 21:2 23:5,15,25 24:17 25:2,6,15,19, 22 36:10,11,16,23 43:5 44:20 46:11 50:3,4,21,24,25 53:6 87:6</p> <p>annually [2] 14:2 28:20</p> <p>another [5] 8:22 10:6 36:2 62:25 75:21</p> <p>answer [2] 29:18 51:6</p> <p>anticipate [3] 19:12 31:19 32:4</p> <p>anticipated [1] 31:10</p> <p>anybody [1] 76:11</p> <p>anyway [2] 38:18 61:10</p> <p>ap42 [1] 50:8</p> <p>appear [1] 89:3</p> <p>appendix [17] 86:9,22,25 87:3,4,11,18,19,23 88:3,9, 16 91:9 92:4,8,10,11</p> <p>applicability [4] 43:24,25 79:8 82:7</p> <p>applicable [2] 89:19 92:18</p> <p>applications [1] 75:25</p> <p>applies [2] 33:13 54:14</p> <p>apply [15] 14:21 15:24 20:1 29:4,10,20,24,25 30:4,13, 23 43:14,15 48:12 68:4</p> <p>appreciate [2] 68:11,21</p> <p>approached [1] 19:10</p> <p>approaching [1] 69:24</p> <p>appropriate [3] 15:6 48:2</p>	<p>49:4</p> <p>appropriated [1] 61:17</p> <p>appropriately [2] 44:21, 22</p> <p>appropriations [11] 4:1,5, 8,11 7:19 26:5 31:14 53:23 54:6 60:15 62:16</p> <p>apps [1] 39:24</p> <p>area [43] 9:14,17,19,19,24 10:7,11,24,25 11:1,12,17 12:24 16:17,19 17:17,22,25 18:13 23:22 24:6,14 25:16 35:7 40:24 45:7,21 46:22 47:25 48:11 55:6 71:11 72:3,4,17,22,24 82:2 88:19,23 89:8,19 90:13</p> <p>areas [4] 10:5 57:8 62:23 72:13</p> <p>aren't [3] 10:3 55:3 62:19</p> <p>arizona [1] 13:15</p> <p>around [5] 6:25 12:25 15:2 55:8 64:24</p> <p>asks [1] 3:19</p> <p>assess [1] 27:4</p> <p>assessed [8] 19:23 20:13 21:3 22:9 23:24 24:23 25:2, 19</p> <p>assessing [1] 27:1</p> <p>associated [8] 10:8 11:18 21:18 24:2,7 34:16 35:23 90:11</p> <p>assume [2] 22:17 65:23</p> <p>assuming [5] 23:8 50:8,9 73:15 74:9</p> <p>assumption [2] 46:19 58:20</p> <p>attempt [1] 24:11</p> <p>attendance [1] 88:12</p> <p>attention [1] 69:19</p> <p>attributed [1] 6:22</p> <p>audience [1] 63:12</p> <p>audit [2] 42:1,4</p> <p>authority [1] 8:4</p> <p>auto [1] 9:21</p> <p>automatically [1] 28:20</p> <p>automobiles [1] 24:3</p> <p>available [1] 27:6</p>	<p>average [4] 24:18,21,24 25:4</p> <p>awaiting [1] 7:14</p> <p>aware [3] 26:24 27:19 40:1</p> <p>away [5] 56:25 57:2 60:17, 19 62:20</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>baby [1] 68:8</p> <p>back [15] 5:14 15:13 18:4 30:19 33:21 35:15 43:19 49:18 53:12 54:1 55:10 70:2 73:8 74:10 93:10</p> <p>backfill [1] 59:18</p> <p>backstop [1] 33:18</p> <p>balanced [1] 55:12</p> <p>base [5] 9:8,11 18:5,8,17</p> <p>based [8] 17:4 24:18 28:20 31:21 50:7 51:10 54:22 62:20</p> <p>basically [2] 40:18 69:13</p> <p>basis [7] 23:5 27:1 36:11 47:9 50:2,6 51:1</p> <p>bath [1] 68:9</p> <p>bbbbbb [2] 25:12 88:17</p> <p>bearing [1] 33:2</p> <p>became [2] 27:19 38:13</p> <p>become [4] 22:16 26:8,21 83:2</p> <p>becoming [1] 89:22</p> <p>begin [3] 7:4 16:22 28:11</p> <p>begun [1] 7:6</p> <p>behind [1] 81:21</p> <p>believe [9] 11:21 18:1,16 51:23 54:17 58:18 59:1 69:15 91:13</p> <p>below [1] 21:14</p> <p>benefit [1] 31:25</p> <p>benefits [4] 5:2 7:20 31:16 61:5</p> <p>benzene [1] 11:10</p> <p>beside [1] 52:14</p> <p>besides [1] 65:1</p> <p>better [9] 22:23 30:20 44:9 57:3 58:11 65:17,19 86:21 91:9</p> <p>between [4] 4:22 14:11 49:</p>
--	--	---	---

Keyword Index

<p>15 88:5 beverly [1] 62:5 beyond [1] 91:5 big [4] 18:2 55:13 65:12 68:10 biggest [2] 69:17,23 bill [1] 14:1 billed [2] 12:16 21:11 bills [3] 12:21 13:12,15 bio-persistent [1] 16:12 bit [3] 11:23 13:5 64:20 block [1] 9:23 blue [2] 5:24 64:10 board [9] 38:4,10 45:4,17 46:6 48:13 58:9 61:24 64:14 bob [3] 76:22 85:11 93:21 body [1] 9:21 boiler [1] 7:1 botchlet-smith [28] 3:2 28:10,23 29:3,12,16,19,23 30:3,7 50:16 53:10 54:16 60:9 63:9 64:2,9 65:19 68:18 71:4 73:4 75:8 77:18 84:16 86:5 90:21 93:3 94:15 both [4] 20:2 47:17 81:13 82:1 bottom [1] 70:12 boundaries [1] 49:23 bradley [6] 3:12 18:25 19:5 28:15 37:9,13 brand [1] 39:17 braneyky [23] 28:17 29:1,6,22 30:12,22 43:21 44:5 45:5 46:8 48:20 49:5,9 54:13 76:14 77:1,2 85:15,16 91:3 93:17,25 94:1 brazil [1] 68:5 break [1] 17:10 breakdown [1] 24:19 breakout [1] 17:6 breathe [1] 68:1 bring [6] 17:23 30:19 32:9 43:19 59:17 69:18 broad [1] 43:7 broaden [2] 91:20 92:16 broadened [1] 91:4</p>	<p>brooks [1] 91:16 broome [1] 83:13 brought [1] 76:9 bruce [30] 76:22,24 77:1,3,5,7,9,11,13,15 85:11,13,15,17,19,21,23,25 86:2,4 93:21,23,25 94:2,4,6,8,10,12,14 b's [2] 10:19,19 b-s [1] 53:5 budget [3] 4:7 47:22 60:12 budgetary [1] 7:23 buffer [1] 5:16 built [2] 60:19 67:5 bulk [6] 17:8 18:12 25:9,9 42:13 47:5 bulk-type [1] 6:23 bullet [2] 14:9,10 burkhalter [2] 63:23,25 business [8] 47:13,16 49:7 52:8 55:8 67:18 68:14 69:25 businesses [1] 23:13 button [1] 64:10 buy [1] 30:21 buzz [1] 65:6 buzzi [1] 64:5</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calculated [1] 50:6 calculating [1] 51:16 calculation [2] 36:13,16 calculations [2] 52:25 60:20 call [8] 42:4,20 47:8 63:13 72:15 76:20 85:9 93:19 called [2] 10:16 65:5 came [4] 26:13 34:4 38:9 81:1 cancer [1] 11:5 cannot [1] 71:23 cap [3] 8:23 39:3 76:3 capping [2] 38:15 76:2 car [3] 8:10 32:15 54:15 carbon [1] 8:12 care [1] 42:11 career [1] 58:16</p>	<p>careful [1] 68:7 carry [1] 84:24 cars [1] 32:17 case [6] 21:13 23:7 32:11 33:6,19 92:12 cases [1] 55:6 categories [1] 13:8 category [2] 45:8 72:2 cause [1] 11:4 causes [1] 66:12 caveat [1] 76:10 cccccc [1] 24:15 ccccccc [1] 89:6 celebrated [1] 67:1 cement [12] 65:6,8 66:7,21 67:5,9,12,20,21,23 68:2,3 cent [1] 8:9 cents [3] 8:11 45:18,19 cfr [8] 10:18 24:15 25:11 78:25 88:13,16,20 89:14 chair [2] 19:1 86:13 chairman [1] 77:24 challenge [1] 68:10 chance [1] 60:18 chances [1] 13:2 change [5] 72:7 79:3 89:21 90:25 92:20 changed [3] 7:13 89:10 92:16 changes [21] 3:13 27:8 54:19 57:6 74:11 78:12,13 79:4 81:4,7,13 83:7 87:16,20,24 88:4 89:4,12,13 90:5,18 chapter [5] 20:8 23:4 25:18 87:3,8 chapters [1] 71:15 charge [1] 38:2 charged [3] 36:23 76:4,8 charging [3] 34:21,23 78:21 chart [1] 59:5 cheaper [2] 67:6,23 chemical [1] 88:19 cheryl [3] 3:12 19:5 37:22 children [1] 16:13 choose [1] 18:6 clarification [1] 71:8</p>	<p>clarify [9] 30:18,25 43:18 52:16,22 72:11 86:20 91:8,14 clarity [1] 78:15 clark [8] 60:11 77:11,12 85:6,25 86:1 94:10,11 clean [3] 3:18 26:22 91:22 cleaners [1] 9:21 clear [1] 31:4 clearly [1] 87:20 closely [2] 10:8 11:17 closer [2] 22:22 53:9 co2e [2] 79:11,13 coal-fired [2] 69:1 70:16 code [2] 87:6 89:3 co-generation [1] 69:14 co-gens [1] 69:16 collected [1] 5:6 collins [6] 77:7,8 85:21,22 94:6,7 colorado [2] 12:4 13:6 combination [1] 10:2 combine [1] 32:6 combustion [2] 6:15 89:18 come [12] 8:3 18:13 26:14 35:15 41:5,25 49:16 55:10 61:13 63:1,14 74:9 comes [6] 5:23 9:13 11:21 15:2 17:19 53:25 comfortable [2] 47:21 49:18 coming [6] 31:7 38:3 49:1 53:1 55:25 58:24 comment [6] 44:16 63:13,17 64:4,15 93:6 comment/question [1] 36:3 comments [15] 27:10,14 53:16 68:23 71:1 73:18,23 75:19 83:10,12,16,21 84:22 90:6,8 commitment [1] 59:10 committed [2] 32:24 34:12 committee [1] 46:14 community [2] 49:11 51:</p>
---	--	---	---

Keyword Index

<p>13 companies [3] 67:7,8 69:20 company [2] 65:5 66:12 competition [1] 66:23 competitive [1] 67:22 complaint [2] 52:11 62:10 complement [1] 64:16 complete [1] 62:20 completes [1] 84:15 complex [1] 13:14 compliance [1] 47:25 complicated [2] 13:10 26:12 component [8] 9:15,16,18 16:23 24:12 32:14 33:5 35:5 compound [1] 22:10 compounds [4] 16:15 20:7,9 42:25 computers [2] 47:1,9 concentrations [1] 82:23 concern [2] 48:19 57:10 concerned [2] 67:25 80:1 concerning [1] 83:25 concluded [1] 94:19 concludes [1] 94:16 condensable [1] 82:5 condition [1] 65:22 Congress [1] 70:8 connect [1] 86:22 consequently [2] 6:3 46:23 consider [7] 27:23 44:15 54:9 70:14 71:1 73:24,25 considered [1] 36:15 considers [1] 4:6 consistent [1] 5:3 constituents [1] 82:3 constructed [1] 42:16 construction [8] 34:7,25 35:13,20 39:16 72:19 73:2 74:11 consultants [2] 71:5,7 contained [2] 79:14 83:4 content [1] 27:18 continue [8] 22:13 28:5</p>	<p>42:12 57:25 75:10 76:15 84:9 93:13 continues [1] 4:2 contract [1] 70:20 contracts [1] 70:2 contribute [1] 17:16 contribution [2] 4:6 11:20 contributor [1] 7:2 contributors [1] 65:10 control [2] 10:22 11:8 controlled [1] 6:2 conversations [1] 91:15 convince [1] 33:11 copies [4] 74:18,21 88:7,11 copy [1] 75:3 correct [3] 39:23 54:18 78:18 correction [1] 79:2 corresponding [1] 79:24 cost [13] 3:18 4:15 7:20 21:17,23 22:24 33:3 48:17 52:2 55:21 67:3,18 69:22 costs [14] 5:1,18 16:5 23:18 24:2 31:16,25 34:10 47:5,6 54:23,23 70:11,19 council [49] 3:16 19:2 22:25 23:5 28:5,7,13 34:1,4 37:24 38:3,9 46:1,12,15 48:23 49:10 53:11 63:1,11 67:15 68:22 69:19 73:9 74:8 75:2,17 76:9,12 78:1 81:9 84:6,8,12,17,22,25 86:14 90:14,22 93:4,9,14 county [1] 69:2 couple [3] 31:4 34:3 43:21 course [4] 7:3,13 31:15 64:21 court [1] 63:16 cover [3] 5:17 34:24 37:3 covered [2] 21:22 35:3 cowan [4] 64:5,7,13 65:20 cpi [7] 28:20,25 29:1,4,20,24 30:24 created [2] 69:13 70:17 creating [1] 88:2</p>	<p>criteria [9] 12:9,14,19,23 14:12 15:17 20:22 22:14 28:18 current [4] 9:8,11 18:5 87:2 currently [5] 12:2 20:14,16 23:10 28:18 cushion [1] 61:19 customers [1] 70:21 cut [2] 31:14 56:9 cuts [1] 60:24</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>david [10] 28:24 44:25 53:12 61:11 77:1,9 85:15,23 93:25 94:8 dawson [2] 39:22 59:21 day [3] 34:3 78:23,24 days [1] 34:3 ddddddd [1] 88:21 december [1] 83:3 decide [1] 41:25 decided [2] 32:8 93:7 decision [1] 31:12 declining [2] 54:24 62:1 define [3] 43:24 44:4,13 defines [1] 44:7 defining [1] 5:19 definition [7] 43:7 44:2 78:19,25 81:15,25 82:10 definitions [2] 44:10 72:7 delaware [1] 13:17 delayed [2] 80:22 81:20 delegated [3] 6:9,12,12 delegation [5] 22:17 23:8 40:10,11 58:25 deminimus [1] 71:23 department [21] 4:3 19:14 20:25 21:15,20 22:17 23:17,21 24:5 25:24 26:24 27:3,13,22 78:2 80:2,6,22 86:19 87:1 89:24 dependent [1] 50:19 deq [4] 54:3,5 75:23 84:1 details [5] 19:4,9 21:23 26:20 50:12 determination [1] 40:21</p>	<p>determinations [1] 82:7 determine [2] 51:23 52:2 determines [1] 25:24 dialogue [2] 41:3 57:19 dictate [2] 52:8 88:1 different [6] 8:25 21:3 45:11 49:2 69:7 70:9 differentiate [1] 14:11 difficult [5] 10:9 13:5 16:23 38:16 59:8 difficulties [1] 65:18 difficulty [1] 71:10 digging [1] 64:24 diligent [1] 67:16 dime [1] 38:18 dioxide [1] 8:12 dioxins [1] 11:10 direct [1] 82:12 direction [2] 58:4 75:14 directions [2] 74:14 75:5 directly [2] 24:9 70:12 disagree [1] 45:13 discarding [1] 14:15 discount [1] 25:22 discounted [1] 44:21 discretion [1] 41:13 discretionary [2] 47:7,8 discussed [1] 83:16 discussion [2] 28:11 87:22 dispatched [1] 70:21 dispensing [7] 6:19 13:9 16:25 24:13 25:3 39:8 41:1 disproportionate [1] 45:23 disproportionately [1] 45:9 distribution [2] 17:15 25:9 division [5] 3:24 4:20 6:7 19:8 86:18 divisions [2] 62:12,18 division's [2] 4:7 5:4 document [2] 51:4 87:16 doing [12] 37:18 41:7 42:7 45:10 46:2,4 47:23,24 48:6 52:24 55:16 67:18</p>
--	--	--	---

Keyword Index

<p>dollar [3] 4:14 37:4 67:19 dollars [9] 4:25 5:9,13 7:25 8:1,7 15:3 17:15 54:7 don [1] 71:4 done [5] 31:20 40:23 49:13 64:20 68:12 door [1] 60:5 doubt [1] 57:21 down [13] 4:1 5:5,10,24 7:19,22 56:10,11 57:22 66:2,11,15,16 downfalls [1] 55:17 downturn [1] 31:11 downward [1] 48:16 draft [1] 40:15 driven [1] 21:25 dry [1] 9:20 due [3] 5:19,21 6:4 duty [1] 26:11</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>each [4] 9:6 12:12 50:18 71:12 earlier [4] 61:15 65:25 80:5 83:17 early [1] 73:19 earmark [2] 62:15 63:6 easily [3] 35:3 44:11 67:11 economic [1] 54:25 economy [5] 5:20 31:11 55:8 58:10 65:22 eddie [2] 55:12 75:14 education [1] 42:14 effect [1] 83:1 effective [3] 52:3 82:24 83:3 effectively [1] 22:24 effort [2] 24:1 88:5 eight [2] 5:6,12 either [4] 28:14 35:16 51:12 73:15 election [1] 7:16 electrical [1] 69:4 electricity [2] 65:12 70:1 eliminate [3] 8:23 35:11,18 elsewhere [2] 67:5,24</p>	<p>e-mail [1] 83:13 emergency [4] 79:7 80:5 83:17,24 emission [11] 9:6 22:18 26:10 65:11,24 82:8,15 88:18,22 89:7,15 emissions [49] 3:7 5:19,21 6:2 8:13,24 9:2,4,5,8,11,14 10:15 13:7 19:19,25 20:15,23 21:2,4,14,17 22:11,13 27:2,5 43:10 50:7,13,21,23,25 51:9,10 52:19 53:7 54:25 56:9 57:18 58:1 66:2,15,19 68:1 70:6,10 79:19 82:12 83:15 emit [3] 9:24 11:12,14 emitted [2] 11:13 22:8 emitting [2] 21:10 51:25 emphasize [1] 68:13 employee [2] 4:19 5:17 employees [1] 4:16 encourage [1] 23:17 encouraging [1] 84:1 end [2] 46:25 77:16 enforcement [2] 48:1 51:13 enforcing [1] 23:18 engineer [1] 91:17 engineers [3] 59:13,15,23 engines [6] 6:15,17,18 89:18,22,25 enough [4] 33:11 50:9 61:19 63:4 entire [1] 88:9 entirely [1] 88:3 entity [1] 27:15 environment [1] 15:9 environmental [2] 19:6 86:16 epa [11] 11:8 40:7 41:23 56:23 57:19 80:19,24 81:22 82:15 83:22 89:20 epa's [3] 78:6 80:25 81:3 equal [1] 70:17 equipment [1] 16:6 equitable [3] 42:23 46:5 74:5</p>	<p>error [1] 78:18 escalating [2] 31:15 54:23 especially [7] 10:5 16:12 54:18 56:7 59:2,12 90:12 essentially [2] 21:12 72:4 establish [1] 19:23 establishes [1] 82:20 establishing [1] 55:2 estimated [1] 89:20 estimating [1] 6:25 evaluate [2] 27:21 28:8 even [10] 17:2 34:19 38:5,10 39:2 41:21 43:11 58:6 61:16 81:15 everybody [5] 3:16 7:1 45:18 50:10 74:19 everyone [1] 50:23 exactly [3] 26:12 53:5 58:7 examine [1] 9:17 example [2] 26:3 27:22 except [1] 55:4 excess [1] 36:13 exclude [1] 30:9 excluded [2] 30:10 72:2 exclusion [1] 36:5 excuse [2] 25:16 73:17 exempt [3] 23:14 71:20,22 exempted [2] 43:1 72:25 existed [1] 87:11 existing [4] 20:19 23:16 26:25 72:18 expands [1] 18:17 expect [3] 35:8 40:12 42:11 expects [1] 89:24 expeditiously [1] 84:1 expenditures [1] 46:13 experience [1] 60:2 explain [1] 3:13 explicitly [1] 47:19 expressed [1] 83:23 extended [1] 70:24 extends [1] 18:17 extent [1] 67:24 extra [1] 67:19 extremely [1] 67:16</p>	<p style="text-align: center;">F</p> <hr/> <p>facilities [23] 6:11,19,20,22,24 13:9 14:24 17:1,16 21:8,9 23:10 25:10,14 39:8,9,15,25 41:1,20 42:16 43:16 56:16 facility [12] 13:13,16 14:22 15:25 20:24 24:13 53:3 69:10,11 71:21,22,23 facing [1] 65:21 fact [3] 6:24 32:24 68:13 factors [1] 51:24 fair [4] 45:3 56:14,15 74:5 fairly [2] 45:19 65:10 fall [1] 72:18 familiar [1] 11:9 far [2] 64:17 68:12 fashion [3] 42:22 58:8 59:12 federal [21] 6:20 22:18 23:2 24:20 26:10,22 69:13 70:7 71:24 78:24 79:15,16,24 80:12,17 87:7,10 89:3 90:19 92:11,19 fee [84] 3:24 8:11,12,15,23 9:2,8,11 12:1,14 13:4,18,20,24 14:6,20 15:4,15,23 16:18 17:11 18:5,6,8,17 19:15 21:3,4 22:7,9,13,14 23:25 24:9,11,17,23 25:3,6,8,14,20 26:25 27:20,25 28:8,19 30:17,18 31:8,9 32:16,17 33:6,6,13 34:2,6,14 35:13,24 36:4,10,12,16,23 38:12,18 39:9 42:21 43:5 44:18,20 46:3 48:6,13 53:15 54:10 56:5 62:9,19 71:9 73:16 74:11 fee'd [1] 51:4 feeds [1] 88:24 feeing [1] 14:14 feel [3] 22:23 30:20 48:9 fees [63] 3:8,18 5:5,10 7:22 8:18,20 12:5,8,11,13,15,18 13:6 18:14,16 19:11,19,23 20:1,12,15 21:16 22:11 23:</p>
---	--	--	--

Keyword Index

<p>15 24:6 25:23 27:1,4,24 28:22 29:5,20 30:1,8,11,15 32:12 33:16 34:8,24,25 35:21 36:11 37:18 38:2 39:10 43:13,15 46:12 47:19 50:3,5 55:3,9 56:10,11,12 65:11 70:14 73:18 75:23,25</p> <p>felt [1] 87:19</p> <p>fence [2] 51:12,14</p> <p>few [3] 4:8 31:9 78:11</p> <p>fewer [1] 54:25</p> <p>figure [5] 38:17,22 41:9,23 48:3</p> <p>figures [2] 59:22 84:14</p> <p>figuring [2] 41:15 56:1</p> <p>file [1] 21:1</p> <p>filed [1] 65:24</p> <p>fill [5] 19:11 59:9 60:3 61:9 63:19</p> <p>filled [1] 59:11</p> <p>final [4] 40:16 80:10,15 81:7</p> <p>finance [2] 16:9 46:13</p> <p>financial [2] 31:13,13</p> <p>find [2] 41:24 44:12</p> <p>fired [1] 70:16</p> <p>first [9] 6:16 14:8 20:12 61:7 63:23 69:5 84:4 86:23 87:17</p> <p>fish [1] 16:9</p> <p>five [11] 4:23 5:7,8,9 7:9 10:19 13:8 40:14 58:19 59:23 61:6</p> <p>fix [2] 37:17 57:20</p> <p>fixed [2] 54:22 55:2</p> <p>fixing [1] 55:19</p> <p>fold [1] 41:10</p> <p>folder [2] 87:15 88:8</p> <p>folks [5] 41:4 53:20 59:17 60:2,6</p> <p>followed [3] 3:11 10:19 24:19</p> <p>foreign [1] 67:8</p> <p>form [1] 59:11</p> <p>format [1] 78:12</p> <p>forms [1] 63:18</p> <p>forth [1] 68:6</p>	<p>forum [1] 83:14</p> <p>forward [1] 56:2</p> <p>foul [1] 41:8</p> <p>found [1] 19:16</p> <p>four [4] 3:23 10:20 16:3,7</p> <p>fourth [1] 6:6</p> <p>fraction [2] 34:20 41:21</p> <p>frank [2] 34:18 47:14</p> <p>frankly [1] 27:16</p> <p>front [1] 91:11</p> <p>front-end [1] 58:6</p> <p>ftes [3] 58:15 59:4,18</p> <p>full [1] 21:11</p> <p>fully [4] 34:23 58:22 59:7-70:21</p> <p>fund [4] 26:1 59:7 62:8,23</p> <p>funded [1] 4:8</p> <p>funding [4] 19:11 26:5 27:5 69:6</p> <p>further [2] 81:21 90:16</p> <p>future [5] 19:13 23:12 31:20 34:15 60:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gallon [1] 8:9</p> <p>gallons [4] 24:22,25 25:1,5</p> <p>gamble [6] 77:9,10 85:23,24 94:8,9</p> <p>gap [5] 4:22,24 5:12,15 19:11</p> <p>gary [3] 77:7 85:21 94:6</p> <p>gas [29] 8:7 9:20 10:11 12:7 13:2,4,6,21 17:14,15 27:2,4 32:18,18 38:2,13 39:17 58:21 70:16 78:6 79:5,9,15,19,25 81:11,17 83:15,25</p> <p>gases [11] 7:4 26:8,19,21 36:4,7,20,24 70:5 73:16 76:6</p> <p>gasoline [16] 6:19 8:8 13:9,18 16:25 17:8 24:7,9,13,20,23 25:3,8 39:7 41:1 54:15</p> <p>general [7] 40:4,18 53:20 61:17 62:21,22 63:6</p> <p>generate [1] 53:21</p>	<p>generators [1] 65:12</p> <p>gentlemen [3] 19:3 78:2 86:15</p> <p>gets [1] 58:21</p> <p>getting [4] 45:3 50:12 57:3 81:21</p> <p>ghg [1] 84:10</p> <p>give [6] 18:22 32:10 56:24 74:15 77:22 86:12</p> <p>given [2] 29:10 60:11</p> <p>gives [2] 40:19 52:23</p> <p>glad [1] 35:22</p> <p>goal [1] 46:4</p> <p>gold [1] 46:25</p> <p>got [21] 36:22 38:10 42:10 44:17 46:21,23 48:14,15 49:22,25 50:12,14 52:6 58:6 59:9,17,18,22 60:2 61:18 73:17</p> <p>government [3] 5:3 6:20 69:14</p> <p>graph [1] 11:19</p> <p>greater [1] 21:19</p> <p>greenhouse [26] 7:3 26:7,19,21 27:2,4 36:4,7,20,24 38:2,13 58:21 70:5 73:16 76:6 78:6 79:5,9,15,19,25 81:11,17 83:15,25</p> <p>group [2] 10:4,9</p> <p>guarantee [1] 54:11</p> <p>guess [2] 58:3 75:15</p> <p>guys [1] 46:1</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half [4] 7:12 33:3 66:2,5</p> <p>hand [1] 56:21</p> <p>handle [2] 10:10 16:24</p> <p>handling [1] 12:3</p> <p>handout [2] 88:8 89:5</p> <p>hands [3] 60:4 73:7 84:21</p> <p>hap [1] 35:2</p> <p>happen [4] 35:17 40:9 43:11 58:17</p> <p>happening [1] 37:1</p> <p>happens [1] 13:1</p> <p>haps [11] 11:20 12:6 15:25 17:13 18:11 20:11 35:1 50:11,17 51:2,3</p> <p>hard [3] 57:18 68:16 75:2</p> <p>harm [1] 41:8</p> <p>harmful [1] 16:13</p> <p>haught [14] 29:9,13 30:6 42:24 54:20 77:3,4 85:17,18 90:23 91:6 92:10 94:2,3</p> <p>hazardous [19] 10:15 11:2,13,15 12:4,5 14:12,20,22 15:18,24 20:5,10,17 22:19 88:18,22 89:7,16</p> <p>health [3] 11:5 22:1 52:12</p> <p>hear [1] 26:17</p> <p>heard [4] 61:24 64:17 73:22 74:12</p> <p>hearing [9] 3:5 60:12 63:20 73:8 80:5 83:17 84:9,21 94:16</p> <p>hearings [1] 94:19</p> <p>help [3] 16:9 54:4 65:2</p> <p>helpful [3] 74:7,17 87:21</p> <p>helps [1] 18:19</p> <p>high [1] 67:3</p> <p>higher [3] 12:13 21:16 24:6</p> <p>highly [1] 15:8</p> <p>hold [1] 90:15</p> <p>holders [1] 81:6</p> <p>home [1] 22:22</p> <p>honest [3] 41:16 48:8 51:18</p> <p>hope [1] 15:16</p> <p>hopeful [1] 33:14</p> <p>hopefully [1] 59:19</p> <p>hoping [1] 33:17</p> <p>households [1] 43:12</p> <p>however [5] 13:21 23:16 27:2 78:17 88:9</p> <p>humans [1] 11:6</p> <p>hundred [5] 5:7,8,9,12 15:2</p> <p>hundreds [1] 6:10</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea [5] 40:19 46:17 47:2 60:25 74:20</p> <p>identified [2] 19:17 87:21</p>
--	---	--

Keyword Index

<p>identify [1] 90:10 iii)(h) [1] 79:1 illustrates [1] 11:19 immediately [1] 61:9 impact [1] 82:21 impacted [1] 57:12 implement [2] 40:3,22 implementation [6] 59:2 78:9 80:9,21 81:24 84:11 implemented [3] 42:6 58: 21,24 implementing [2] 23:18 32:6 important [3] 14:16 53:18, 25 importing [1] 68:2 improving [2] 56:18,20 inappropriate-type [1] 49:21 inaudible [12] 6:4 40:1 43: 23 52:7 54:21 64:23,24 65: 3,13 71:10 72:10 91:15 incidental [1] 43:9 include [15] 4:17 6:13 9:4 14:7 20:4,6,16 43:9 80:8 81:13 82:2,11 84:7 88:7 89: 13 included [6] 20:11 27:25 43:2 81:2,3 88:10 includes [2] 25:21 40:25 inclusion [2] 79:19 90:18 income [2] 53:17,19 incorporate [4] 78:5 87:9 92:17,24 incorporated [6] 23:3 82: 18 87:14 92:2,6,14 incorporating [3] 80:20, 22 93:2 incorporation [5] 86:8,10, 21 87:3 88:15 incorporations [1] 87:7 increase [16] 3:24 15:20 18:13 21:6,7 27:23 31:8,9, 24,25 33:3,18 34:22 35:11, 24 55:20 increased [5] 22:12 25:25 35:20 53:24 54:6</p>	<p>increases [1] 31:22 increments [7] 15:5 22:5, 7 82:20,24 83:1,4 incur [1] 16:4 incurred [1] 21:24 indication [1] 93:5 individual [2] 10:3 43:12 industry [3] 5:4 50:20 88: 20 information [1] 18:21 initiate [1] 8:4 initiated [1] 13:23 insertion [1] 78:14 insignificant [1] 45:20 insofar [1] 79:25 instance [4] 46:17 48:1 57: 14 67:14 instances [1] 45:7 instead [1] 14:15 instructed [1] 14:18 insurance [2] 4:18 32:1 intend [1] 27:3 intended [2] 52:17 78:15 intent [4] 30:21 36:4 43:9 91:19 intentionally [1] 92:15 interest [2] 34:5 53:21 interested [3] 27:11 83:11 90:7 interesting [3] 6:1 10:6 56:6 internal [2] 6:15 89:17 interpretation [2] 72:12, 16 inventories [2] 20:15 21: 2 inventory [7] 3:7 14:25 50: 21,25 51:9 52:19 53:7 invoice [7] 15:18 16:1,11, 25 17:8 22:3 25:23 invoiced [3] 20:21 22:6 44: 20 iowa [1] 12:8 issue [13] 9:1 26:12 33:6 38:15 47:4 52:11 61:16 62: 1 64:21,22 68:7 69:17 72: 24</p>	<p>issued [1] 40:12 issues [3] 28:4 32:5 69:17 item [9] 3:4 54:1 62:4 77: 16,17,19,19 86:6,7 items [2] 71:9 75:15 itself [2] 19:4 44:10</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>january [15] 26:7 28:6 33: 19 35:15,25 37:17 43:20 49:15 73:21 75:10 76:16 81:9 84:12,25 90:16 jeff [1] 83:21 jim [8] 34:1 49:16 77:3,4 85: 17,18 94:2,3 job [1] 22:23 joe [1] 64:5 joyce [1] 77:21 june [1] 79:17</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>keep [2] 22:21 36:25 keeps [1] 6:8 kick [1] 26:11 kiger [3] 68:19,20,24 kilns [2] 66:9,22 kind [18] 5:1 11:19 14:5 31: 21 34:14 36:6 40:2 41:5 45: 24 47:2,10 49:23 61:10 72: 14 73:1 76:2,5,9 kinds [1] 66:24 kirlin [3] 91:16,17 92:21 known [4] 11:4 32:12 57:9 82:21</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lab [1] 16:7 ladies [3] 19:2 78:1 86:14 language [7] 26:3 76:1 78: 14,14 86:20 91:1,10 large [1] 56:7 larger [1] 57:23 last [7] 4:8 7:11 31:18 34:3 44:17 50:1 87:17 late [2] 70:3 81:1 later [4] 12:7 22:25 26:16 74:24 laura [8] 49:16 75:8 77:13</p>	<p>84:22 86:2 93:11 94:12,17 lead [19] 11:9 15:5,7,12 16: 11,14 17:13 20:6,7 21:16 22:4,6,10,10 30:13,15 35:2 42:25 43:15 leaning [1] 57:17 least [5] 9:22 36:9 37:6 44: 2 69:18 leave [3] 18:23 51:22 92:9 leflore [1] 69:2 legislative [4] 3:25 4:2,4 7:18 legislators [1] 33:12 legislature [11] 31:12 32: 22 33:9,20 38:7 53:22 58: 15 60:15 62:4,6 63:5 less [8] 9:24 10:1 14:23 15: 25 21:10 24:22,25 67:22 letting [1] 68:22 level [6] 13:24 21:14 36:19 70:7 79:21 82:12 levels [2] 82:13,21 levy [1] 24:9 light [3] 26:11 28:3 64:11 likely [1] 10:21 limit [1] 45:15 limitations [1] 82:8 limited [2] 9:14 92:13 line [7] 4:19,21 5:23 20:24 54:1 62:4 70:12 list [2] 20:8 23:2 listed [7] 6:21 20:5 44:9 51: 2 87:10,13 92:11 little [3] 11:23 13:5 18:23 local [1] 13:24 located [2] 69:1 89:25 lodes [18] 29:17 36:2 37: 11,16 39:6 75:13 76:19 77: 13,14 84:23 85:4,7 86:2,3 93:12,18 94:12,13 long [1] 32:13 longevity [1] 4:18 look [26] 8:6 18:9 31:17 33: 1 34:7,13,17 37:20 38:25 39:4 40:20 42:9 45:1 46:7 47:12,22 53:17 54:21 55:1, 14,24 57:8,13 61:12 75:1,</p>
--	---	--	---

Keyword Index

<p>24 looked [4] 32:18 58:17 65:23 66:1 looking [7] 37:10 48:11 57:5 62:2 64:18,25 69:7 looks [3] 13:1 70:23 92:15 loophole [1] 72:15 lose [1] 38:6 losing [2] 59:15,20 lost [2] 59:23 61:16 lot [6] 18:21 48:5 56:24 57:19 62:8 73:14 louis [1] 13:23 louisiana [1] 12:11 lower [2] 4:19 58:8 lundy [2] 68:18,24 lynch [6] 76:22,23 85:11,12 93:21,22</p>	<p>march [1] 66:11 margins [1] 68:15 mark [1] 18:3 marked [2] 3:4 10:18 market [2] 31:21 66:6 marketer [1] 33:1 marketing [1] 41:4 marshment [4] 86:11,13,15 91:7 massachusetts [1] 13:12 match [2] 78:24 79:14 matter [2] 60:6 82:6 maximum [1] 10:22 mean [6] 18:14 38:18 48:10 60:17 66:15 78:22 means [4] 50:14 67:2,4,20 mechanism [1] 48:18 meet [2] 32:25 57:24 meeting [12] 22:25 28:7 33:7 69:8 75:10 76:16 81:10 84:12 85:1 90:16 93:14 94:17 meetings [1] 61:24 megawatt [1] 69:1 members [4] 19:2 75:17 78:1 86:14 mention [1] 69:9 mentioned [5] 35:22 39:14 61:25 62:5 65:4 15:4,7,11 16:2,3,9 17:12 20:9,9 21:16 22:4,5,8 30:13,15 35:2 42:25 43:10,14 methods [1] 51:16 mexico [3] 12:15 67:14 68:5 microphone [2] 65:18 71:10 might [13] 4:5 33:9 35:6 44:8 45:10,23 51:8,11 53:14 54:21 55:14 63:19 91:21 mil [1] 32:19 million [14] 4:14,24 5:7,11 7:19,21,23,25 8:1,6 17:15,23 37:2,4 minimal [2] 14:15 21:13</p>	<p>minimum [2] 36:9 37:6 minor [24] 4:6 5:22 6:4 8:17,18,20 9:12 12:1 15:21 18:10,19 21:8 29:24,25 30:4,10 36:18,22 37:2,7 38:15 72:24 76:2 89:4 minors [1] 5:25 mispronounce [1] 64:6 miss [1] 73:5 mission [1] 22:21 missouri [2] 12:21 13:20 mobile [13] 9:16 10:8 11:14,18 16:22 24:4,8,10,11 32:14 33:5,12 35:4 modeling [1] 57:13 modification [7] 79:12 80:11,23 81:5,12,13,19 modifications [6] 78:5 80:4 81:8,18 84:5,10 modified [3] 72:22 73:3 89:1 modify [3] 9:7 78:3 80:7 modifying [1] 26:17 money [16] 3:19 9:13 12:2 15:1 46:24 54:2,3 55:25 57:16 58:2 61:2,18 62:13,21,22 66:3 monitor/measure [1] 70:9 monitoring [3] 16:4,5 82:22 montelle [4] 60:10 77:11 85:25 94:10 monthly [4] 17:5 24:18,21 25:4 months [3] 40:13,14,17 morning [4] 19:1 74:25 83:20 88:12 morris [1] 13:13 most [2] 55:5 69:20 motion [9] 76:13,19 77:15 85:2,7 86:4 93:15,18 94:14 move [2] 76:14 85:3 moved [1] 93:16 moving [1] 56:2 ms [99] 3:2,9,12,15 18:25 26:19 28:10,15,15,23 29:3,</p>	<p>12,16,17,19,23 30:3,7 36:2 37:9,11,13,16 39:6 44:4 49:25 50:16 51:7 52:18,23 53:8,10 54:16 56:17 60:9 63:9,25 64:2,9 65:19 68:18 71:4 73:4 75:8,13 76:17,19,22,24 77:1,3,5,6,7,9,11,13,14,15,18 84:16,23 85:3,4,7,11,13,15,17,19,20,21,23,25 86:2,3,4,5,11,13 90:21 91:7 93:3,12,16,18,21,23,25 94:2,4,5,6,8,10,12,13,14,15 much [5] 3:21 7:18 38:20 76:4 91:4 multiple [1] 91:15 must [1] 81:18 myers [16] 44:4 49:25 51:7 52:18,23 53:8 56:17 76:17 77:5,6 85:3,19,20 93:16 94:4,5 myrna [3] 76:20 85:9 93:19</p>
M			
<p>mact [10] 6:13 10:13,21,21 16:20 40:4 42:3 58:22 59:3 71:17 macts [6] 6:13 10:12,13,23,25 32:5 madam [3] 19:1 77:24 86:13 made [8] 32:11 39:4 67:21,23 68:3 74:23 80:4 88:4 mailed [1] 88:10 mainly [1] 91:8 maintenance [1] 16:6 major [16] 5:22 8:14,15,17,20 9:12 12:1 15:21 18:10,19 30:14 65:1,9 72:22,23 78:19 majority [1] 4:9 manageable [1] 79:21 manager [1] 19:7 mandate [1] 70:8 manner [2] 30:10 66:18 manufacturing [2] 88:24 89:9 many [15] 10:7,25 11:17 13:3 21:20 23:9 32:4 41:14,22 48:14 57:4 59:25 66:21 74:20 76:3</p>	<p>meetings [1] 61:24 megawatt [1] 69:1 members [4] 19:2 75:17 78:1 86:14 mention [1] 69:9 mentioned [5] 35:22 39:14 61:25 62:5 65:4 15:4,7,11 16:2,3,9 17:12 20:9,9 21:16 22:4,5,8 30:13,15 35:2 42:25 43:10,14 methods [1] 51:16 mexico [3] 12:15 67:14 68:5 microphone [2] 65:18 71:10 might [13] 4:5 33:9 35:6 44:8 45:10,23 51:8,11 53:14 54:21 55:14 63:19 91:21 mil [1] 32:19 million [14] 4:14,24 5:7,11 7:19,21,23,25 8:1,6 17:15,23 37:2,4 minimal [2] 14:15 21:13</p>	<p>money [16] 3:19 9:13 12:2 15:1 46:24 54:2,3 55:25 57:16 58:2 61:2,18 62:13,21,22 66:3 monitor/measure [1] 70:9 monitoring [3] 16:4,5 82:22 montelle [4] 60:10 77:11 85:25 94:10 monthly [4] 17:5 24:18,21 25:4 months [3] 40:13,14,17 morning [4] 19:1 74:25 83:20 88:12 morris [1] 13:13 most [2] 55:5 69:20 motion [9] 76:13,19 77:15 85:2,7 86:4 93:15,18 94:14 move [2] 76:14 85:3 moved [1] 93:16 moving [1] 56:2 ms [99] 3:2,9,12,15 18:25 26:19 28:10,15,15,23 29:3,</p>	<p>12,16,17,19,23 30:3,7 36:2 37:9,11,13,16 39:6 44:4 49:25 50:16 51:7 52:18,23 53:8,10 54:16 56:17 60:9 63:9,25 64:2,9 65:19 68:18 71:4 73:4 75:8,13 76:17,19,22,24 77:1,3,5,6,7,9,11,13,14,15,18 84:16,23 85:3,4,7,11,13,15,17,19,20,21,23,25 86:2,3,4,5,11,13 90:21 91:7 93:3,12,16,18,21,23,25 94:2,4,5,6,8,10,12,13,14,15 much [5] 3:21 7:18 38:20 76:4 91:4 multiple [1] 91:15 must [1] 81:18 myers [16] 44:4 49:25 51:7 52:18,23 53:8 56:17 76:17 77:5,6 85:3,19,20 93:16 94:4,5 myrna [3] 76:20 85:9 93:19</p>
N			
<p>Sheet 8</p>	<p>www.protext.com</p>		<p>look - neshaps</p>

Keyword Index

<p>9,11 72:13,18 never [1] 56:15 new [20] 7:14 12:15 19:14, 16,23 23:9 39:13,17 59:17 60:6 65:16 72:21 73:3 82:24 87:4,18,23 88:3,14,14 newer [1] 67:4 next [8] 50:1 58:19 60:12 66:4 74:16 77:19 86:6 93:14 nightmare [1] 38:21 ninety-five [1] 17:24 non-attainment [2] 82:2, 17 none [1] 93:9 nor [3] 28:1 31:19,20 normal [1] 55:9 normally [1] 4:5 note [2] 12:23 64:2 nothing [1] 36:25 notice [8] 27:7,10 28:2 66:1 83:6,9 90:2,5 nox [2] 57:14 82:14 nozzle [1] 13:25 nsr [9] 78:9 80:9,21 81:16, 23,25 82:2,17 84:11 number [9] 3:4 13:10 17:21,25 36:22 46:18 48:11 79:18 86:7 numbers [2] 4:17 17:10</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oac [5] 3:6 77:20 81:14 82:18 86:7 obligation [3] 48:22 49:11 69:8 obtaining [2] 27:24 39:16 obvious [1] 18:18 occur [1] 28:21 occurred [1] 53:13 october [4] 23:6 80:16 82:25 83:11 office [1] 9:23 offset [1] 82:16 og&e [1] 69:4 ohio [1] 13:8 oiba [1] 27:15</p>	<p>oipa [1] 63:24 okay [13] 28:10 29:6 30:22 39:6 46:8 63:9 65:16,20 73:4,7 76:13 84:18,23 oklahoma [17] 6:10 11:14 22:22 27:8 42:9 65:7,9 67:2,6,21 68:16 69:3,25 83:8 87:25 90:1,3 oklahoma's [1] 43:6 old [3] 60:4 66:25 88:2 older [1] 59:21 once [2] 11:16 38:13 one [32] 3:20,25 4:25 9:9 14:3,20,23 15:10,23 16:1 21:10,14 27:15,20 33:23 45:7,8 53:13,15 63:19,23 64:23 65:16 66:10 68:24 69:15,16,22,22 71:12 86:6 91:14 one-page [1] 87:15 ones [1] 5:22 one-sixth [1] 8:8 one-tenth [1] 32:19 only [11] 9:2 15:10 30:6,8 32:2 34:16 52:4 58:11 73:3 75:15 81:6 open [6] 33:21 37:15,16 39:1 75:20,21 operates [1] 16:3 operating [25] 3:8 5:5,10 7:22 13:18 18:15 19:19 20:14 23:15,25 24:17 25:2,6, 19,23 30:17 36:10,23 43:5 44:20 50:3,4 66:9 72:20 73:2 opportunity [4] 32:10 63:22 64:15 78:18 opposed [1] 52:25 options [3] 27:21 33:8 52:24 order [1] 54:9 oregon [1] 14:1 other [41] 7:2 11:5 12:3 17:17 21:21 25:15,16,24 26:5 27:5,11 28:15 33:15,23 34:20 39:7 44:16 46:9 52:12 53:10,13,17 56:3,21 59:16</p>	<p>60:10 61:2 62:11,12 63:4, 10 65:1 70:6 74:12 75:17 78:11 83:11 88:3 90:7 91:25 93:3 others [1] 51:5 ounce [1] 12:17 ourselves [1] 45:15 out [30] 7:15 11:21 17:11 18:19 38:17,20,22 40:6 41:9,15,23 45:16 46:21 48:3, 12 51:2 53:20 56:1 58:13, 23 59:4 60:5 61:5 63:20 68:8,13 70:24 71:19 72:18 74:18 outlined [1] 49:23 output [1] 69:4 outreach [3] 40:24 41:11 42:14 outside [1] 67:9 over [16] 4:24 9:2,4,5 15:11 32:21 36:21 38:6 53:21 54:3 58:19 59:23,25 63:5 84:25 90:15 overall [3] 4:7 41:11 65:22 overlooked [1] 60:16 overstate [1] 52:5 overview [1] 14:5 oweka [1] 40:13 owned [1] 67:8 ozone [2] 7:14 57:24</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>packets [1] 88:11 page [1] 78:20 pages [3] 87:18 88:5,7 paid [1] 6:3 paint [1] 9:21 paints [1] 89:8 paper [1] 88:6 paragraph [5] 44:1,17 50:2 91:23,24 paragraphs [1] 71:13 parenthesis [1] 19:20 part [28] 5:20 10:18 20:23 21:6 22:20 24:15 25:11 30:6 34:13 35:12 36:14 37:7 41:3,10 54:20 55:1,24 75:</p>	<p>20 77:21 78:4 79:10 87:5 88:17,21 89:6,10,14 91:5 particular [1] 42:3 particulate [1] 82:5 parties [3] 27:12 83:11 90:7 parts [4] 78:7,9 80:7 88:14 pass [6] 63:25 64:3 69:21 70:11,19 84:1 passed [4] 74:17 77:15 86:4 94:14 past [3] 56:4 59:8,23 pat [6] 3:9,17 19:1,9 21:22 74:22 pause [1] 30:2 pay [6] 20:14 24:17 25:5 31:17,24 43:5 payers [3] 34:6 46:3 56:6 paying [2] 12:1 45:21 penalize [2] 56:17,20 people [4] 65:1 66:17 68:14 73:14 per [30] 8:9,11,15 12:6,8,15, 17,18,21 13:7,13,15,25 15:19 16:2,14,21 17:4,9 21:5,6, 7 22:7,9 36:14 37:2 50:2 78:21,23,24 percent [7] 11:12,15,21,22, 25 17:18 66:8 perchloroethylene [1] 11:11 periodic [1] 47:9 permanent [5] 78:10 80:3 81:8 83:7 84:10 permit [23] 13:18 14:2 17:3 27:24 29:20 34:11,24 35:20 39:16,24 42:17 59:12,15 71:18,22 72:5,8,17,19,20 73:2 79:22,24 permits [5] 77:20 78:4 79:18 82:9 83:22 permitted [9] 20:2 41:12 42:18 43:2,14,15 50:3,5 69:10 permitting [16] 18:14,15 23:14,23 24:16 25:13,17 26:18 34:7 39:11 71:14,20</p>
--	--	--	---

Keyword Index

<p>72:10 79:9,10 83:14 persistent [1] 15:8 personnel [3] 5:2 16:5 47:6 perspective [1] 15:14 perspectives [1] 8:25 pete [3] 76:24 85:13 93:23 petroleum [3] 32:25 41:4 65:13 phase [11] 73:3 80:11,14, 20,23,25 81:1,4,23 82:20 84:7 phil [1] 39:21 picture [1] 55:13 pipeline [1] 25:10 pizza [1] 64:8 place [3] 42:10 55:18 81:5 plan [1] 72:7 planning [2] 19:7 91:18 plant [6] 65:7 66:10 69:1,9, 15 70:20 plants [7] 25:10 65:8 66:25 67:3,4 68:5 70:15 plated [1] 46:25 please [7] 63:15 73:17,18, 25 75:6 85:9 93:19 pm [16] 78:8 80:8,10,11,20 81:12,17,19,23 82:8,8,9,12, 13,23,25 pm2.5 [3] 84:8,11,13 podium [1] 63:14 point [17] 11:25 14:9,10 39:3 43:18 46:7 48:4 51:21 53:13,19 56:3 58:13 59:14 61:22 68:19,25 93:8 policy [2] 40:8 69:12 politically [2] 37:21 38:1 pollutant [18] 9:25 12:10, 14,20,23 20:22 22:14 26:9 28:19 36:14 38:14 44:6,8, 14 76:3 79:20 81:16 82:1 pollutants [30] 10:2,16 11:3,13,16 12:4,5 14:12,13,21, 23 15:17,19,24 19:21 20:1, 4,5,10,17 21:18,21 22:20 36:12 76:5 82:4 88:19,23 89:8,16</p>	<p>pollution [4] 11:1 16:20 17:2 24:2 portion [3] 18:11 37:15 94:16 portions [1] 14:16 posed [1] 22:1 position [3] 56:6 57:15 70:22 positions [3] 4:20,21 61:9 possibility [1] 60:21 possible [3] 64:19 67:19 74:1 possibly [2] 74:6 75:24 posted [2] 16:10 74:23 potential [1] 22:1 pound [6] 16:2,14 17:12 22:6,8,10 power [2] 69:9 70:15 practically [1] 7:12 precisely [1] 89:2 precursors [2] 82:3,14 preference [1] 92:8 pre-meeting [1] 33:25 preparations [1] 88:20 prepared [2] 60:7 88:23 present [2] 15:1 23:1 presentation [11] 3:10,12 28:12 33:2 73:22 74:18,22 75:3 77:23 84:15 86:12 presented [4] 18:7 79:6 81:9 84:6 pressure [3] 56:8,12 62:8 pretty [4] 13:10 18:18 35:3 40:18 prevent [1] 79:22 preview [1] 8:2 previously [2] 88:10 92:23 primarily [4] 10:10 78:12 91:19,24 probably [3] 31:3 51:20 58:15 problem [5] 47:3 59:6 65:15,21 67:17 problems [3] 66:13,24 69:23 procedurally [1] 38:25</p>	<p>procedure [1] 88:1 proceed [1] 3:3 proceedings [1] 3:1 process [1] 27:17 processed [1] 81:18 produced [1] 67:12 product [1] 69:20 products [2] 65:13 89:9 program [12] 4:10 12:12 21:17 23:17 24:1 26:1 42:10,13 62:10 79:10,11 86:16 programs [2] 19:6 64:25 projected [2] 4:13 61:5 projection [1] 17:21 projections [1] 61:4 promulgated [1] 80:24 proper [1] 48:24 properly [1] 49:13 proportionally [1] 56:23 proportionate [1] 66:18 proportionately [2] 44:23 55:21 proposal [15] 15:15 17:11 18:6 19:10 23:1 25:21 26:17 27:25 34:2,14 35:2 74:21 87:5 90:2,12 proposals [2] 23:6 74:10 propose [9] 15:16,18,23 16:1,11,18,24 17:7 49:18 proposed [23] 19:22 24:5 25:14 26:3 27:7,14 28:3,21 30:15 35:19 42:25 78:11 80:14 81:2,4,5 83:6,24 84:5 87:23 88:14,15 90:4 proposes [5] 19:14 20:25 21:15 23:21 80:2 proposing [6] 22:3 25:8 78:3 80:7 86:19 87:2 protection [2] 36:6,18 provide [2] 19:4 35:15 provided [3] 19:9 28:2 88:11 providing [1] 24:7 provision [4] 25:22 26:2 53:15 54:10 provisions [5] 20:16 44:18 78:6 91:25 92:18</p>	<p>pryor [2] 65:7 67:13 ps [2] 50:18 79:12 psd [5] 79:9,12 82:1,9,10 public [11] 22:2 27:11 28:2 52:12 63:21 69:11 73:5 83:10 84:19 90:6 93:6 published [6] 27:8 79:16 80:12,16 83:7 90:3 purpose [9] 52:15 54:8 62:6,17 63:7 90:24 91:1,20 92:24 purposes [3] 32:1 87:22 91:14 push [1] 64:10 put [8] 13:10 43:12 44:1,12 51:8 64:17 70:25 81:21 puts [2] 15:13 56:5 putting [1] 55:18</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quad [1] 89:14 qualifying [1] 69:11 quality [10] 7:8 16:3 19:8 54:2,4,8 62:7 63:7 64:14 86:17 question [10] 7:18 18:2 28:17 46:9 50:1 51:6 63:8 71:11 91:3 93:7 questions [12] 3:20 28:12 33:22 43:22 53:11 63:10 74:14 84:17,19 90:22 93:4, 10 quick [1] 71:8 quicker [1] 60:5 quite [4] 34:9 56:14,15 64:20</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raise [10] 7:25 8:7,10,14,17, 19 9:5 31:18 47:18 56:12 raised [2] 34:5,8 raising [2] 8:6 32:18 ramping [2] 57:7 61:21 ramps [1] 55:9 range [1] 7:24 rate [3] 20:24 51:5 78:21 rates [1] 9:6 rather [2] 92:3,7</p>
--	---	--	--

Keyword Index

<p>razor [1] 68:15 reading [1] 28:24 real [2] 53:18 59:10 realistically [2] 38:7 59:7 really [22] 22:20 31:6 34:9, 15 35:8 39:12 45:22 48:7,8, 10 57:9,12,17 60:23 62:14 63:2 65:15 73:19 74:2,4,17 92:16 reason [4] 32:8 52:12 62:25 90:25 reasons [2] 3:23 31:13 receive [1] 93:5 received [7] 27:13,15 39:21,24 83:12,20 90:8 recent [2] 84:13 90:18 recently [3] 6:11 7:10 27:19 reciprocating [2] 6:14 89:17 recognize [2] 69:6 70:15 recommendation [2] 75:9 84:3 record [1] 49:19 redistribution [1] 18:8 reduce [4] 56:16 57:18 79:17 88:6 reduced [3] 56:23 58:1 66:7 reduction [1] 66:19 reductions [1] 66:20 redundant [1] 78:13 reference [14] 23:3 43:13 82:18 86:9,10,21 87:4,8 88:16 92:2,6,14,18 93:2 references [2] 43:4 86:22 referred [1] 24:4 reflect [3] 48:17 51:24 89:2 reflective [1] 34:10 refocus [1] 14:6 refuse [2] 78:22,23 regarding [3] 83:14 84:20 90:13 region [1] 83:22 regions [1] 42:5 register [6] 27:9 79:16 80:</p>	<p>12,17 83:8 90:3 registration [1] 3:7 regs [1] 59:3 regulated [15] 10:12 19:20,25 20:3 21:21 36:12 38:14 44:5,7,13 49:11 51:13 79:20 81:16,25 regulating [1] 40:3 regulation [6] 10:17 16:16 22:21 26:9,22 40:22 regulations [7] 40:20 67:11 87:7,10 89:4 90:19 92:19 regulatory [1] 69:12 related [1] 55:4 relating [1] 79:4 relative [3] 52:11 55:25 57:6 reluctance [1] 37:23 remain [1] 83:1 remaining [1] 60:14 remember [1] 61:4 reminded [2] 34:1,11 removal [1] 78:13 rental [1] 32:17 replace [3] 44:22 47:9 63:3 replaced [2] 67:23 81:7 replacing [1] 61:1 report [3] 20:17 49:1 52:5 reported [5] 15:12 50:17 51:9 52:18 53:6 reporter [1] 63:16 reporting [3] 14:22 15:25 50:24 reports [2] 50:20 65:24 representing [1] 65:5 represents [2] 4:19,21 request [1] 49:21 requested [4] 27:10 63:13 83:9 90:5 requests [2] 28:4 90:14 require [3] 14:2 52:13 54:19 required [3] 21:1 79:18 80:18 requirements [9] 23:24</p>	<p>24:16 25:13,18 39:11 71:14 72:8 78:8 82:16 requires [1] 82:5 research [1] 13:5 residences [1] 43:11 resolution [1] 73:20 respond [1] 57:7 restate [1] 63:15 restoration [1] 26:4 restored [1] 53:23 resulted [1] 89:21 resurgence [1] 16:16 retain [1] 59:20 retaining [1] 4:16 retention [1] 7:20 retirement [3] 4:18 32:1 59:16 revenue [14] 53:20 54:24 55:18,20 56:11 61:12,18 62:2,21,22,24 63:6 64:19 66:20 revenues [2] 25:25 62:1 review [2] 7:11 46:11 reviewed [1] 7:9 reviewing [1] 27:17 revised [3] 7:7 82:11,15 revises [1] 81:24 revision [3] 80:19 81:2,22 revisions [3] 78:10 83:19,24 revoke [1] 87:2 revoking [1] 88:2 rhymes [1] 64:8 rice [2] 6:14 89:18 rider [1] 76:5 rising [1] 5:1 risk [1] 22:1 robinson [1] 83:21 roll [3] 76:21 85:10 93:20 round [2] 6:16,17 rounding [1] 21:13 routine [1] 22:16 routinely [1] 24:4 rule [29] 3:14 19:4 20:19 24:20 27:7 28:12 29:8,11 37:15,25 42:24 58:21 72:20 78:7,9 79:15 80:3,5,15,21</p>	<p>81:5,8,24 83:7,24 84:20 90:15 92:5,7 rulemaking [4] 28:3,6 79:7 88:1 rules [17] 19:7,15 25:18 26:18,23,25 27:14 38:12 64:25 68:4 79:22,24 84:25 87:25 88:13 91:17 92:5 run [6] 36:21 45:11 47:15 66:21,22 69:23 running [1] 47:13</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>salary [1] 4:17 same [13] 9:1 12:9,19,22 15:17 17:6 20:23 30:9 54:14 57:16 79:6 81:14,15 sampling [1] 52:3 saw [1] 40:15 saying [5] 45:14 51:14 53:1 54:3 61:11 says [5] 39:8 50:4 71:13 91:24 92:1 scenario [1] 8:22 scenarios [2] 8:5 45:12 schedule [1] 71:9 second [10] 6:17 14:10 44:6 76:17,20 85:5,6,8 93:17,19 section [14] 19:8,15,17,22 20:20 36:10 44:2,10 72:11 81:14 83:22 90:24 91:1 92:25 sections [2] 75:22 89:11 see [21] 5:23 7:1,4,5 10:17 12:12 32:10 36:8 37:14,20 38:23 39:1 40:7 42:6,9 46:14 51:11 57:3 73:9 75:6 92:4 seeing [7] 16:15 31:23 63:10 70:6 73:7 84:21 93:9 seem [1] 56:14 seemed [1] 56:15 seems [2] 46:10 71:25 seen [1] 57:2 sees [1] 23:6 sell [1] 69:3</p>
---	--	---	---

Keyword Index

<p>selling [1] 69:25 send [1] 70:25 sending [1] 66:4 sentence [1] 44:7 separate [3] 30:18 51:2,5 separately [1] 51:3 september [5] 27:9 80:15 83:8 87:12 90:4 serious [1] 11:5 service [1] 41:2 session [1] 33:10 set [3] 10:14 42:3 79:7 seven [1] 10:19 seventy-four [2] 5:7,8 seventy-seven [1] 5:11 several [4] 32:15,16 63:12 64:22 shady [2] 68:19,25 shall [3] 36:15 44:20 50:5 shannon [1] 83:13 share [1] 6:21 sharon [3] 77:5 85:19 94:4 sheedy [4] 26:19 77:22,24 84:18 shift [2] 5:21 62:20 ship [1] 67:6 shipping [1] 67:13 shoes [1] 60:3 shops [1] 9:21 short [1] 10:23 shortfall [4] 4:3,15 7:24 37:4 shortly [1] 7:15 shouldn't [1] 45:22 show [2] 59:22 87:23 showed [1] 18:4 showing [1] 87:16 shown [1] 89:5 side [2] 51:12,14 signed [2] 40:16 70:2 significant [7] 10:4 65:10 82:10,11,13,21,22 significantly [1] 21:19 sils [2] 82:22 83:2 similar [3] 46:20 66:12,23 simply [1] 91:22 since [6] 6:8 51:1 54:18 75:</p>	<p>11 84:4 87:22 single [1] 9:25 singletary [1] 91:13 sip [2] 80:19 81:22 sites [2] 16:4,7 six [1] 40:13 sixty [1] 5:13 skip [1] 14:3 slide [2] 18:4,23 slightly [1] 8:25 slower [1] 5:20 small [3] 23:12,13,19 smaller [1] 22:4 smart [1] 59:1 smc [1] 83:2 smcs [1] 82:23 sneeze [1] 6:5 so2 [2] 57:14 82:14 somebody [3] 44:11 51:12 53:1 somehow [1] 60:16 someone [2] 3:19 93:5 sometime [1] 74:24 somewhere [2] 44:11 65:14 soon [4] 6:12 57:4 74:1 75:7 sorry [4] 18:15 28:24 30:5 64:6 sort [4] 42:15,21 48:18 73:20 sound [2] 32:23 59:24 sounds [3] 32:20,21 64:19 source [38] 6:4 8:14,15,18,20 9:15,16,17 16:22 18:14 24:12 26:6 29:25 30:11 32:14 33:5,13 35:5,7 36:14,18,22 37:3 43:4,8 50:6 51:22 56:5 62:9,25 63:4 72:13,17,22,22,23,24 78:20 sources [80] 5:22 9:12,19,20,22,24 10:7,9,12,24,25 11:1,12,14,17,18,25 12:1 14:8 15:21,22 16:19 17:17,22,25 18:10,20 19:24 20:3,13,21 21:1,7 22:22 23:13,20,22 24:5,6,8,10,14 25:15,</p>	<p>16 30:14,14 37:7,8 38:16 40:23,25 43:3 45:8 46:22 48:12 49:2 50:4,5 55:7 56:7 57:11,17,23 64:19 65:1,9 67:9 71:11 72:3,4,20,25 76:2 77:21 78:4 88:19,23 89:8,20 90:13 southeastern [1] 69:2 specialist [1] 86:17 specific [6] 50:6 62:6,17 63:7 73:23 91:12 specifically [3] 62:3 63:6 92:9 spending [2] 46:25 47:8 spoke [1] 13:22 st [1] 13:23 stabilizing [1] 58:4 stack [1] 53:2 staff [19] 3:10 23:1 27:16,19 28:4,16 31:1,18,24 59:21 66:18 73:12 75:9 84:3 86:12 87:19 88:6 90:10,13 standard [6] 7:14 10:21 16:20 17:2 71:17 89:21 standards [17] 7:8 10:14,15,24 22:19 23:2,19 26:10 40:4 42:3 57:24 58:22 87:13 88:18,22 89:7,15 stands [1] 10:21 start [6] 3:22 48:11 57:13 59:15,19,20 state [21] 4:11 6:11 8:8,10 11:16 14:17 15:10,13 20:7,18 26:4,23 33:14 39:18 42:5 53:22 65:8 67:2 69:16 79:22 80:18 stated [3] 29:7 75:11 92:23 statement [1] 92:3 states [7] 12:3,24 13:3 34:21 40:9 67:10 92:5 station [1] 39:17 stationary [8] 19:24 20:3,25 43:4,8 56:5 78:19 89:17 stations [13] 9:20 10:11 12:7 13:2,4,6,19,21 17:14 24:20,24 25:3 41:2 statute [1] 54:19</p>	<p>stay [2] 15:17 68:16 step [2] 23:8 58:3 steve [2] 61:24 62:7 still [7] 7:14 23:17 27:17 32:23 35:4 63:18 65:14 stimulus [1] 61:1 stringent [1] 79:23 structure [4] 14:7 22:15 23:16 48:7 study [1] 16:9 stuff [1] 32:20 subchapter [18] 19:16 20:20 39:12,14 44:3,12,14 72:12 75:22 76:15 78:3 80:8,24 81:3 83:5,18,18 86:20 subject [24] 16:19 17:1 23:11,11,22,23 24:14,16 25:11,12,17 26:8,21 39:10,18 67:10,22 71:13,17,24 72:13,21 73:1 89:23 submit [2] 73:19 80:18 subpart [7] 24:15 25:12 71:24 88:17,21 89:10,14 subparts [1] 89:1 subsection [1] 26:2 substances [2] 11:3,7 substance's [1] 15:6 substantial [1] 34:22 substantive [2] 78:16 79:2 substantively [1] 79:5 suffer [1] 60:24 sufficiently [1] 25:25 suggest [2] 43:22 44:19 suggestion [1] 49:24 sullivan [5] 3:9,15,17 28:15 74:22 summary [1] 18:22 support [2] 63:5 83:23 supposed [2] 14:19 72:5 suspect [3] 7:15 52:1 66:23 suspected [1] 11:4 suspicious [1] 52:10 synthetic [2] 5:25 8:18 system [1] 42:19</p>
---	--	---	--

Keyword Index

T				
table [1] 63:19	title [10] 30:8,14,17 31:9 34:2,16 87:6 88:25 91:5 92:9	turndown [1] 55:1		
tag [4] 8:11,11 32:15 54:15	titled [1] 19:18	turns [3] 45:16 46:21 55:8		
tailoring [2] 78:7 79:15	titles [2] 88:25 89:2	twelve [1] 57:1		
talks [1] 56:23	today [12] 3:22 7:6 9:10 18:7 27:13 35:19 70:23 73:14,22 80:6 86:6 90:9	two [12] 3:20 4:22 7:11 9:22 17:23 59:23 66:11,22 69:15 74:16 75:15 89:1		
target [3] 45:24 58:9 62:14	today's [2] 74:18 94:17	type [2] 35:23 43:10		
targeted [3] 11:7 45:20 62:3	together [3] 32:7 53:9 81:19	types [1] 70:9		
tax [4] 8:8 32:18 54:15,15	ton [30] 8:13,16,19,21 9:7 12:6,8,16,18,22 13:7 14:20,24 15:10,11,19,24 16:1 18:12 21:5,6,7,10,12,14 22:5 36:19,24 38:19 67:20	typically [1] 23:5		
technology [1] 10:23	tons [11] 9:3,25 10:1 15:12 36:13,21 78:21,22,23 79:11,13	U		
ten [3] 46:21,24 88:4	top [1] 36:8	unable [1] 24:8	utilities [1] 56:8	
term [2] 41:19 43:25	total [2] 7:21 17:19	under [15] 4:23 20:19 22:14 23:15 26:22,23 36:11 39:11,13 43:1,23 62:7 69:11 70:20 91:19	utility [3] 6:13 69:12,21	
terminal [1] 6:23	totaling [1] 14:23	undershoot [1] 46:18	V	
terminals [2] 17:8 25:9	totally [3] 35:10 49:4 55:11	understand [3] 37:23 68:10 91:21	value [1] 50:22	vehicles [1] 26:11
terra [1] 50:18	touch [2] 18:1 41:20	understanding [1] 71:16	values [1] 84:8	
terrill [18] 30:16,23 37:19 39:20 43:17 44:25 45:6 46:16 49:3,8,14 51:17 52:21 53:4 55:22 56:19 60:22 73:13	tough [1] 57:15	unfortunately [1] 80:25	variety [1] 64:18	
test [4] 50:14 51:15 53:2,2	toxic [8] 15:8 19:21,25 20:3,22 21:11 44:6,8	unicem [2] 64:5 65:6	various [3] 14:8 35:21 42:5	
testing [1] 50:11	toxicity [2] 15:7 21:25	unidentified [1] 72:9	version [2] 40:16 87:20	
thailand [1] 68:6	toxics [4] 4:9 20:8,18 35:12	united [1] 67:10	via [1] 83:12	
thanks [3] 36:2 68:21 71:6	toxic's [2] 19:19 21:4	units [1] 10:3	voices [1] 73:8	
therefore [2] 71:25 90:14	training [1] 59:19	universe [1] 35:9	volume [1] 66:14	
there's [5] 46:10 51:15 54:14 71:18,19	travel [2] 16:6 47:10	unknowns [1] 48:5	vote [3] 28:5 48:21 90:15	
they've [3] 7:10 31:22 52:5	trending [1] 57:22	unless [3] 27:5 52:9 63:4	voting [2] 48:24 49:12	
thin [1] 68:15	tried [2] 32:14,16	unofficial [1] 87:19	W	
thinking [1] 10:11	trinity [2] 71:5,7	unpermitted [2] 16:18 20:2	waiting [1] 40:6	verify [1] 39:22
third [1] 14:14	trucks [1] 24:3	unsuccessful [1] 33:20	wanted [3] 9:17 68:12 75:2	
thirty-nine [1] 5:9	true [1] 37:22	until [4] 32:21 38:8 76:8 80:24	wants [1] 73:6	
though [5] 17:2 30:17 38:10 58:6 63:8	truly [1] 28:1	up [25] 4:16 5:24 6:7,8 7:21 18:23 21:13 32:3 33:21 37:2 38:19 39:1 46:25 49:17 51:22 55:9,10,21 57:7 61:20,21 65:14 67:12 68:2 91:22	water [1] 68:9	
thousand [3] 5:8,13 15:3	trust [2] 47:16,18	update [4] 23:2 87:6,9 89:13	way [13] 31:1 33:4 36:21 38:1,11 41:16,23 46:17 48:6 55:5 59:2 71:19,25	
thousands [1] 89:24	try [9] 17:22 33:4,11 38:22 41:9 49:16 53:21 59:10 74:4	updating [1] 86:24	ways [3] 8:5 47:17 69:7	
three [10] 12:11 31:19 40:16 59:24 65:8 66:8,9,22 67:7 74:16	trying [4] 14:6 37:13 48:12 60:3	upper [1] 4:20	website [2] 16:10 74:23	
threshold [1] 79:13	tulsa [1] 67:12	urban [1] 10:5	weeks [1] 74:16	
thresholds [1] 79:8	turn [1] 64:11	urge [1] 67:15	weigh [1] 52:6	
throughput [7] 17:5,5 24:18,21,24 25:4 55:4	turnaround [1] 51:3	usa [1] 65:6	whatever [2] 53:24 54:7	
throw [1] 68:8			whereas [1] 48:2	
tie [2] 24:11 91:8			whether [4] 38:24 51:23 52:2 70:16	
tier [1] 12:11			white [6] 76:24,25 85:13,14 93:23,24	
			whitney [2] 71:5,6	
			whole [2] 39:7 72:1	
			wide [1] 64:18	
			will [39] 3:3,9,11,13 7:15 14:21 18:13 19:12 20:6,12 21:5 23:1,11 26:8,14,16,20 28:21 41:2 43:4 48:10 62:15 64:11 66:1,10 70:23,24 74:23 76:20 77:22 78:5 81:6 82:24 83:1,2,4 85:9 86:11 87:13	

Keyword Index

wished [1] 93:6
wishes [1] 63:17
within [2] 9:23 74:15
without [5] 26:13 37:24 38:
3 41:15 55:20
woman [1] 13:21
wonder [1] 72:6
wondered [2] 71:8 92:20
wondering [1] 60:13
wording [1] 71:12
work [9] 7:5 33:10 49:15
59:4 64:17,20 66:16 68:11
90:17
workers [1] 66:21
working [3] 68:14,15 90:
10
workload [5] 6:7 7:3 56:
21 58:19 90:11
world [1] 68:14
worth [2] 60:1 64:23
worthwhile [1] 51:8
writing [1] 70:25
written [7] 14:17 27:10 38:
12 71:1 72:1 83:10 90:6

X

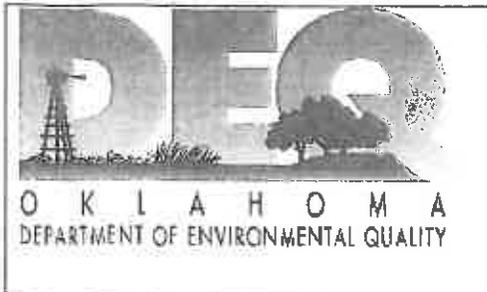
x-number [1] 54:7

Y

year [19] 10:1 16:8,21 17:4,
9 23:7 50:18 60:13,16 61:7
64:23 65:25 66:4,6 69:24
78:22 79:11,13 81:20
years [16] 4:8,23 7:9,12 31:
10,19 32:15,16 57:1 58:19
59:24 60:1,1 61:6 64:22 66:
11
yesterday [2] 27:16 33:24
young [2] 16:13 60:2

Z

z's [1] 10:20



AIR QUALITY COUNCIL

Attendance Record

October 27, 2010

Oklahoma City, Oklahoma

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Nancy Marshment DEQ	
Paul Singer	
Joe Cowen, PE - BuzzikluicemUSA	Pryor, OK Joseph.Cowen@ buzzikluicem.com
Don McGlothlin WAC	Wynnewood, OK dmcglothlin@gwzcc.com
Sidney Cabiness WAC	WYNNEWOOD, OK scabiness@gwzcc.com
DAVID GAMBRE CONCOPHILLIPS	PONCACITY, OK (903) 767-2882
Kris Mangold AES	The Woodlands, TX 281-602-2071
Sidney Cabiness WAC	WO
MARK GIBBS DER	DEQ mark.gibbs@dep.ok.gov
TEO SMITH NEWFIELD	NSA, OK TRUCKHENSFIELD.COM
Guiana Fields	
Doreen DeShlit-Smith	DEQ
DAVE CANNING TIMBER	david.w.canning.ch.timber@com
Brenda Daniel Tinker AFB	brenda.daniel.ctr@tinker.af.mil
LANCE LODES ENOGEX	lodeslr@ogex.com
JEFF GIFFORD "	Gifford@Ote.com
Eric Johnson Newfield	eJohnson@newfield.com
Bud Ground PSD	hlground@gap.com
David Braweck AQAC	
Melody Martin OGE	MARTINM1@oge.com
TOM TARR CAMERON INT'L	TOM.TARR@C-A-M.COM
Scott Babs OCP	sbabs@dep.midsouth.com
Rusty Freeman TLP	Rufreeman@dep.midsouth.com
Mike Smith PCP	mjsmith@dep.midsouth.com
Ivan London RWLS	ilondon@ryanwhaley.com



AIR QUALITY COUNCIL

Attendance Record

October 27, 2010

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Rosemary Crayford GROVER CAMPBELL	3714 N Market Shawnee 6100 WESTMAN, OKC, OK	405-206-3979 405-749-9816
DON WHITNEY	TRINITY	
Randy Ward	AQD	
Blair Brown	StanTech	bbrown@stantest.com
James Hall	Stan Tech	jhall@stantest.com
Brian Woodard	20 N. Broadway	brian.woodard@dmcc
ANGIE BURCKHALTER	OIPA	ABURCKHALTER@OIPA.CO
Lana Rife	AES	
JARROD GREEN	ATLAS PIPELINE	405-749-5606
KEU RUFFIN	kwruffin@aep.com (AEP)	
Treavor Hammons	DEQ	
Heather Lerch	AQD	
Brooks Kertin	AQD	
Montelle Clark	AQC	montelle@cox.net
Kara Williams	CSD	
Steve Meyer	Holly	
Garry Keele	Hall Estill	gkeele@hallestill.com
VANCE McSPARKIN	5115 N. WOODM OKC 73118	Vmcsparkin@okc.com@work.com
Gerald Burchar	WPEC	405-247-4341
Steve Mason	DEQ Board	



AIR QUALITY COUNCIL

Attendance Record

October 27, 2010

Oklahoma City, Oklahoma

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Deanna Johnson	4415 N. Classen, OKC, DeannaA@pei-usa.net
Laura Herron	OGE 553-3057
JASON LIPSCOMB	OGE 553-3031
Michael SWIFT	Buzzi Unicem 918 824 4123
Toni Payne	DEQ
Aaron Yotter	Storkon Cystba@Storkon.com
Joe Grossman	Deva Joe.Grossman@dvu.com
Gawry Elliot	Lafenge gawry.elliott@lafenge-ug.com
Michelle Yotter	Cardinal Ence my@cardinalengineers.com
LeeAnn Reed	Cardinal Eng lr@cardinalengineers.com
Derek Kinard	Citizen Hill 405-290-7366
Kristine Baranski	Cardinal eng. kdb@cardinalengineers.com
Bret Peterson	ATLAS bpeterson@atlaspipe.com
Kathryn Crowley	EP Kathryn.Crowley@ep.com
Todd Thompson	W. Williams todd.thompson@williams.com
Colan Travis	Holly Corp 918-594-6572
Lydia Parkins	QSN marklydia@cox.net
Mark Lawson	Spirit AeroSystems Mark.Lawson@spintaero.com
Perry Friedrich	GRDA pfriedrich@grda.com
Mike Bernard	MCOGA okmoga@okmoga.com
Mizma Bruce	DEQ

