

**SUMMARY OF COMMENTS AND STAFF RESPONSES  
FOR PROPOSED REVISION TO  
OAC 252:100-25. VISIBLE EMISSIONS AND PARTICULATES  
AND  
OAC 252:100-31. CONTROL OF EMISSION OF SULFUR COMPOUNDS**

**COMMENTS RECEIVED PRIOR TO AND DURING THE *JULY 18, 2012*  
AIR QUALITY ADVISORY COUNCIL MEETING**

**American Electric Power (AEP)** - Mr. William Hildeson of AEP provided oral and written comments during the council meeting that expressed concern that the proposed changes to the requirements for continuous opacity monitoring systems (COMS) in Subchapter 25 would "... unnecessarily burden a new natural gas/limited-use-oil electric generating unit wishing to permit fuel-oil and requires redundant monitoring for existing coal plants." [An electronic copy of comments was received via email on 7/17/12.] Specific comments and responses:

- 1. COMMENT:** AEP objected to removing the example given in OAC 252:100-25-5(d) for alternative opacity monitoring requirements. The existing paragraph allows case-by-case approval of alternative monitoring "... if continuous monitoring cannot be implemented by a source due to physical plant limitations or extreme economic reasons." Mr. Hildeson indicated that, for such "limited-oil-use facilities," the costs associated with COMS is unreasonable, but the threshold for alternative monitoring ("extreme economic reasons") is too high for these facilities. Therefore, the language should be retained.

**RESPONSE:** The language proposed for removal outlines an example of alternative monitoring requirements for a particular type of facility. The sentence that immediately precedes the example states that alternative monitoring requirements may be approved on a case-by-case basis, and the sentence itself is prefaced with "For example ..." Staff proposed to remove the example language because it could be misinterpreted as authorizing those alternative monitoring requirements without further evaluation. AEP's comments reinforce staff's concern. Nothing would preclude the Director from approving such alternative requirements if appropriate, but such an example would best be included in a fact sheet or guidance document. Note that staff is not aware of a case where this provision was included in a permit. Therefore, staff believes that the agency proposal would be appropriate.

- 2. COMMENT:** AEP requested that a definition (or reference to an existing definition) for "gaseous fuel" be added. The comment suggested using the definition provided in 40 CFR §63.7575 (Part 63, Subpart DDDDD, NESHAP for Major Source Industrial, Commercial, and Institutional Boilers and Process Heaters).

**RESPONSE:** Staff does not believe that the section open for amendment (OAC 252:100-25-5) would be the appropriate location for such a definition, nor would moving the opacity monitoring requirement from Subchapter 31 to Subchapter 25 necessitate adding a definition of the relatively common term "gaseous fuel." The structure and content of the particular definition suggested in this case would only clarify that "Blast furnace gas is

exempted from this definition." Staff does not believe that tying "gaseous fuel" to either this or another particular federal definition is helpful or necessary. Note that Part 63, Subpart DDDDD is included in Appendix Q as incorporated by reference.

3. **COMMENT:** AEP requested that the existing exemption for NSPS facilities (New Source Performance Standards under 40 CFR Part 60) in 252:100-25-5(c) (which would become 252:100-25-5(b)) be broadened to include sources subject to any standard promulgated under section 111 of the Clean Air Act (CAA).

**RESPONSE:** Although staff is not sure of any benefits or consequences of expanding the proposed exemption language beyond NSPS, staff does not believe that the requested change would be appropriate or necessary. Note that the language of the existing 252:100-25-5(c) is identical to paragraph 1.2.1 of 40 CFR Part 51, Appendix P, except for the first two words ("Sources already ..."). The proposal would delete the word "already."

4. **COMMENT:** AEP requested that three new exemptions from 252:100-25-5 be added for:
- 1) "Sources that permit fuel oil as an alternative fuel and do not use fuel oil for more than 10% of the annual heat input during any 3 consecutive calendar years or for more than 15% of the annual heat input during any one calendar year, or"
  - 2) "Sources that use fuel oil with a sulfur content less than or equal to 0.3 weight percent sulfur, or"
  - 3) "Sources that opt to monitor PM through a CEMS as allowed for in 40 CFR 60.42 or 40 CFR 60.42Da."

The commentor indicated the belief that the rule as proposed would prevent use of such alternative compliance methods.

**RESPONSE:** The changes recommended by AEP would represent a significant change to existing requirements, and staff does not believe they would be appropriate, necessary, or consistent with the stated purpose of the proposed rulemaking. It should be noted that the proposal retains the provision that would allow approval of alternative monitoring requirements on a case-by-case basis. In addition, 252:100-25-5 would not apply to sources that are subject to 40 CFR Part 60, Subpart D or Da.

**Environmental Federation of Oklahoma (EFO)** - Mr. Derek Kinard provided oral comments on behalf of EFO during the council meeting that expressed concern over exemption language in Section 100-25-3 for NSPS facilities. Mr. Kinard provided a copy of a draft comment letter from EFO, and an electronic copy of comments was sent via email during the council meeting. Several of the comments reinforced AEP's comments. Specific comments and responses:

5. **COMMENT:** EFO requested that a definition for "gaseous fuel" be added. The comment suggested using the definition provided in 40 CFR Part 63, Subpart DDDDD, or a similar definition.

**RESPONSE:** As stated in response to comment #2, staff does not believe that the section open for amendment (OAC 252:100-25-5) would be the appropriate location for such a

definition, nor would moving the opacity monitoring requirement from Subchapter 31 to Subchapter 25 necessitate adding a definition of the relatively common term "gaseous fuel." The structure and content of the particular definition suggested in this case would only clarify that "Blast furnace gas is exempted from this definition." Staff does not believe that tying "gaseous fuel" to either this or another particular federal definition is helpful or necessary. Note that Part 63, Subpart DDDDD is included in Appendix Q as incorporated by reference.

6. **COMMENT:** EFO requested that the rules allow for an exemption from the opacity limit of 252:100-25-3 and from opacity monitoring under 252:100-25-5 for facilities that conduct particulate matter (PM) monitoring as an alternative to monitoring opacity, e.g., as allowed for in 40 CFR 60.42 or 40 CFR 60.42Da, in order to meet the requirements of the Mercury and Air Toxics Standard (40 CFR Part 63, Subpart UUUUU).

**RESPONSE:** An exemption from the opacity limit of 252:100-25-3 could not be considered at this time, because 252:100-25-3 is not open for modification under this rulemaking action. Staff believes that the exemption in 252:100-25-5 for sources that are subject to NSPS adequately addresses the concerns expressed. Therefore, staff does not believe that the requested changes would be appropriate or necessary.

7. **COMMENT:** EFO requested that the existing exemption for NSPS facilities in proposed 252:100-25-5(b) be made consistent with part of 252:100-25-3(a) by broadening it to include sources subject to any standard promulgated under section 111 of the Clean Air Act (CAA).

**RESPONSE:** Although staff strives to make rules language in similar/related passages consistent where appropriate, staff is not sure of any benefits or consequences of expanding the proposed exemption language beyond NSPS. Note that the language of the existing 252:100-25-5(c) is identical to paragraph 1.2.1 of 40 CFR Part 51, Appendix P, except for the first two words ("Sources already ..."). The proposal would delete the word "already." Therefore, staff does not believe that the requested change would be appropriate or necessary.

**U.S. Environmental Protection Agency, Region 6 (EPA)** - Letter from Mr. Guy Donaldson, Chief, Air Planning Section, received via email on 7/18/12.

8. **COMMENT:** EPA noted that the existing tagline for subparagraph 252:100-31-25(3)(A)(iii) was omitted from the proposed revisions (either as retained language or in strike-through format). If the tagline is to be removed, EPA concurs with the proposed revisions.

**RESPONSE:** The noted heading was erroneously omitted and should have been shown as struck-through language (to be deleted through rulemaking). Staff has included the suggested change in the subsequent proposal.

**COMMENTS RECEIVED PRIOR TO THE *OCTOBER 17, 2012*  
AIR QUALITY ADVISORY COUNCIL MEETING**

## Written Comments

**U.S. Environmental Protection Agency (EPA)** - Letter received by email on October 5, 2012 from Mr. Guy Donaldson, Chief, Air Planning Section:

9.     **COMMENT:** EPA noted that DEQ had addressed their previous comments (see below) in the current proposal, and have no additional comments.

**RESPONSE:** Staff appreciates EPA's acknowledgment.