



## Permit Review by EPA and the Public

Changes to OAC 252:100-8-8(a) and (i) effective June 1, 2002, apply to the public and EPA review periods for all permit actions under this subchapter except administrative amendments. These changes bring into agreement our Subchapter 8 rules and the state statutes regarding public participation (27A O.S. § 2-14-103), and clarify the procedures for EPA review. The change affects the permit process in several significant ways, and may mean a longer period of time between application and issuance.

No longer will Air Quality be able to run the 45-day EPA review time concurrently with the 30 day public review time for those permits that receive no public comments. Since all Title V permit applications (including permit modifications) except administrative amendments must be forwarded to EPA (see 40 CFR 70.8(a)), all modifications are also subject to the 45-day EPA review time even if no public review is required. The 20 day public review of a proposed permit for a Tier III application for the purposes of requesting an administrative hearing will still run concurrently with the 45 day EPA review time.

Applicants need to remember these public and EPA review time requirements when an application is submitted. Since it is not possible for the permit writer to suspend these requirements, smooth and efficient processing of an application will depend on a complete application that is submitted well ahead of construction and/or operating timelines set by the company. For more information on timelines and the permitting process please contact AQD Permit Section at (405)-702-4100.

## LANDOWNER NOTIFICATION AFFIDAVIT REVISED

The Air Quality Division has made a slight revision to the Landowner Notification Affidavit. The new form is much more user-friendly for those facilities that lease or obtain easements for the specific type of business they are permitting. The new simpler form is easier to complete and is more clear in content. The form is available in Word and .pdf formats under WHAT'S NEW on the Air Quality Web page.

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Your opinion is valuable to us! We would like to know what you think of *Air Quality Update* and the types of articles you would like to read. Please send suggestions and comments to [randy.ward@deq.state.ok.us](mailto:randy.ward@deq.state.ok.us).

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## Council Year In Review

This year's Air Quality Council agenda was loaded with critical issues ranging from ARACT to ozone. The Council recommended replacing Alternative Reasonable Available Control Technology (ARACT) for control of volatile organic compounds (VOC) emissions from aerospace sources in Tulsa County with the more timely and appropriate industry-supported requirements. The Council voted to close loopholes in Alternative Emissions Reduction Plans and Authorization, addressed Environmental Protection Agency issues with Oklahoma's Title V Program delegation, and tracked the progress of Oklahoma's three largest cities in meeting new Federal air quality standards for ozone.

Usual business included forwarding incorporations by reference of New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Maximum Achievable Control Technology (MACT) standards to the Environmental Quality Board. Routine clean-up work continued on rules concerning Cotton Gins and Grain, Feed & Seed operations. The Council also recommended that the Board support a fee increase for the Agency.

Public hearings in the 2002 fiscal year were held in Tulsa, Broken Bow and Oklahoma City, which

expanded opportunity for public participation. Several citizens brought issues before the Council and were led through the hearing process by the Agency.

The Governor appointed one new member to the 2002 Council. Gary Martin, City Manager of Ponca City, replaced former Mayor of Frederick, Leo Fallon, who had completed his term representing local government. Mayor Fallon lost his six-year battle with cancer in early March 2002. His magnanimous nature and generous service to the State will not be forgotten.

The Division sees no break in the level of activity that will face the Council in the coming year.

## Air Quality Council

### Member

David Branecky\*  
Sharon Myers\*\*  
William Briesch  
Robert Lynch  
Gary Martin  
Rick Treeman  
Joel Wilson  
Fred Grosz  
Gary Kilpatrick

### Representing

Electric Utility  
General Industry  
Engineering  
Higher Education  
Local Government  
Agriculture  
Petroleum  
General Public  
Transportation

Chairman\*

Vice Chairman\*\*

All members have been appointed by the Governor and serve 7-year terms.

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# Smoke School

The Air Quality Division, in conjunction with CenSARA, is offering the Visible Emissions Evaluation Training Course for the Fall of 2002. Training will be provided at two locations:

**Oklahoma City – September 24, 25, and 26.**

**Tulsa – October 22, 23, and 24.**

A classroom lecture describing visible emissions evaluation procedures will be offered at both locations in addition to the field certifications.

These courses will meet EPA Method 9 and Method 22 training requirements. Individuals successfully qualifying will be certified to make valid emission readings.

**For more information contact Jeff Dye by e-mail or at (405) 702-4118.**

## The Lead-Based Paint Corner

### LBP Encapsulation

The number of Lead-Based Paint (LBP) abatements taking place in the state has doubled compared to this time last year. Many of these abatements are taking place in historically protected areas. Historic protections may limit the variety of LBP abatement methods used. For example, a house with painted wood siding can not be enclosed with vinyl siding, as it alters the original look of the building. As a result, abatement contractors are resorting to the next least labor-intensive alternative, encapsulation.

Abatement contractors should be aware that the U.S Department of Housing and Urban Development Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines) Chapter 13 places limitations on where encapsulation can be used as a LBP abatement method. An encapsulant must have a twenty-year warranty and meet ASTM specifications. The surfaces to be encapsulated must successfully pass patch and adhesion tests. The HUD Guidelines contain forms to record the results of patch and adhesion tests. The following surfaces can not be encapsulated:

- ☒ Friction surfaces, such as window jambs and door jambs.
- ☒ Surfaces that fail patch tests.
- ☒ Surfaces with substrates or existing coatings that have a high level of deterioration.
- ☒ Surfaces in which there is a known incompatibility between two existing paint layers.
- ☒ Surfaces that cannot support the additional weight stress of encapsulation due to existing paint thickness.
- ☒ Metal surfaces that are prone to rust or corrosion.

Finally, the abatement contractor must provide a monitoring schedule for the encapsulated areas in the post-abatement report to the property owner.

## July Air Quality Council Meeting News

The Air Quality Council met at the DEQ office in Oklahoma City on July 17, 2002. At this hearing, the Department proposed changes on parts of seven rules:

- Changes to Subchapter 8 to revise the definition of “major source” in response to a change in federal regulation.
- Changes to Subchapter 11 providing for an actual reduction in emissions on Alternative Emissions Reduction Plans and Authorizations.
- Changes to a group of Subchapters including 39, 43, and 45 that are intended to clarify and strengthen rules for sampling, testing and monitoring emissions.
- A change to Subchapter 5 requiring stack testing on specified internal combustion engines every 43,000 hours of operation to verify emission inventory data.
- Substantive changes to Subchapter 41 and Appendix O on Toxic Air Contaminants.
- The addition of a Part 9 to Subchapter 17 concerning incinerators.
- A private citizen petitioned the Council to amend permitting requirements in Part 7 of Subchapter 8 Permits for Part 70 Sources and to revise the state’s primary ambient air standards for both NO<sub>2</sub> and CO as contained in Appendix E.

The Council voted to recommend amendments to Subchapter 8-2 and Subchapter 11 to the Environmental Quality Board for consideration at its September meeting. The citizen’s petition to change permitting requirements in Subchapter 8 and amend the state’s primary ambient air standards for NO<sub>2</sub> and CO was denied. The remaining subchapters were continued to the Council’s October 16, 2002 meeting, which will be held in the Department of Environmental Quality Multi-Purpose Room in Oklahoma City.

## Ozone Awareness

Air Quality recently received an Ozone Flex grant from EPA to increase ozone awareness through education and outreach to the public. A portion of these funds is being used to advertise on the “big screen” with slide show ads at selected movie theaters in Oklahoma City and Tulsa.

Three different ads, with the message to “Observe Ozone Alerts. We’ll All Breathe Easier.” will run during the seating time prior to each showing daily.

The DEQ ozone ads began a 13-week run Friday, July 12 at AMC Quail Springs 24 screen multi-plex in Oklahoma City and AMC Southroads 16 screen multi-plex in Tulsa. These cities have the greatest risk of violating the ozone standard in Oklahoma. This campaign will promote activities such as mowing later and fueling after dark, which can help to reduce emissions that lead to the formation of ozone.

