

Permit Section News

As work continues on issuance of the Title V operating permits, the permitting section expects to complete most of the initially submitted applications by the end of this year. Of the original 372 applications received by March 6, 1999, all but 68 have been issued. We anticipate that 51 of those will be issued by January 1, 2003. That means that we currently have issued 82% of the original applications and should have issued 95% by the end of this year.

The Title V renewals begin this year also and there are currently 27 facilities with renewal applications submitted. Next year approximately 80 renewals will be due. Facilities must submit complete applications to Air Quality six months prior to the expiration date of their Title V permits.

The General Operating Permit for major source compressor stations is going through the renewal process and should be available for public comment soon. A General Operating Permit for minor source compressor stations is also being developed and should be available for public review within a few weeks.

The Phase I MACT hammer form is available on the DEQ/Air Quality website for those facilities that might be subject to MACTs that were not promulgated by May 15, 2002. We have received over 170 completed forms in the last few weeks since the forms became available on our website. For more information on the MACT hammer go to the Air Toxics section of the Air Quality web page and review the monthly Air Toxics Update.

The staff recently issued draft permits for some facilities to establish federally enforceable control requirements to keep them from being subject to the MACT (HH and HHH). Some of these permits were drafted within days of receipt of the applications. As most know, the deadline for establishing federally enforceable requirements for these facilities to keep them from being subject to the MACT is Monday, June 17, 2002. AQD and DEQ are not open on the weekends. Thursday and Friday June 13th and 14th are the last days on which we can issue final permits for these facilities.

Because these permits require a 30 day public review period and a 45 day EPA review period, the last day that AQD could send Tier II draft permits to EPA for review in time for issuance by June 13th and 14th was April 29th and 30th. Nine draft permits were issued in the last week of April in an effort to meet this deadline.

Permit writers who performed this work and deserve congratulations include Iftekhar Hossain, Mark Chen, Phil Martin, Dale Becker, and Eric Milligan.

8-Hour Ozone Standard Upheld

On March 26, 2002, the D.C. Circuit Court rejected the claim that the Environmental Protection Agency acted arbitrarily in setting the 8-hour national ambient air quality standard. In a unanimous decision the three-judge panel found that EPA “engaged in reasoned decision-making” in establishing levels that protect public health and the environment. This decision clears the way for EPA to begin implementation of the 8-hour standard. To that end, the EPA has begun developing options for implementing the standard. A series of public hearings were held across the country seeking input from private industry stakeholders and the public at large as to how to structure this implementation. They are also seeking input from representatives of State and local air pollution control agencies, tribal representatives and with representatives of other governmental organizations that might be affected by implementation of the standard. The AQD sent representatives to the public hearing in Atlanta and plans to submit written comments.

As with implementation of any federal standard, project timelines are subject to change. However, it is believed that EPA will propose a rule finalizing

guidelines for implementation sometime this summer. They will then be published in the *Federal Register* and open for comment. Final rulemaking for these rules would take place sometime in 2003. It is likely that late this year or early next, EPA will again ask us to make a recommendation as to areas within the State that do not meet the 8-hour standard. DEQ would make that recommendation to the Governor for submittal to EPA. Currently, all areas within the state, with the exception of the Tulsa metropolitan area, are attaining the standard which is based on the last 3 years of collected data. However, several areas within the state are close enough to the standard that a bad ozone summer either this year or next could change that status. It is likely that sometime in mid to late 2004, EPA will make final designations. At this point in time, new sources would be subject to New Source Review and conformity would lapse 12 months from that date. Practically, this would mean that any road building projects would have to demonstrate that they don’t worsen the air quality problem, and sources wishing to locate within the nonattainment area would be subject to more stringent requirements. The 8-hour attainment State Implementation Plan submittals would be due in 2007 or 2008 depending on when designations are final. Final approval of the plans should come within 18 months after they are submitted.

Ozone Flex

In March of this year, Texas proposed a plan that would build upon the existing “Ozone Flex” program in which the Oklahoma City and Tulsa metropolitan areas currently participate. This proposal calls for what is known as an “Early

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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.

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Samuel Cannella and John Downs Honored

The votes were counted and teamwork was rewarded. Samuel Cannella and John Downs were honored with the DEQ Employee of the Quarter award. Sam and John were called upon to provide an extra level of expertise during all the recent computer changes and upgrades. All the changes have now been completed and the AQD computer system is better than ever.

Air Quality Council News

The Air Quality Council met at OSU @ Tulsa on April 17, 2002. The Council held hearings on parts of four rules: the Alternate Reasonable Control Technology (ARACT) portion of subchapter 39 and appendix N; 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 8, 39, 43 and 45 that are intended to clarify and strengthen rules for sampling, testing, and monitoring emissions; and a change to Subchapter 5 requiring stack testing on specified internal combustion engines every 43,000 hours of operation to verify emission inventory data.

The Council voted to recommend the ARACT portion of Subchapter 39 as both an emergency and permanent rule change to the Environmental Quality Board for consideration at its June meeting. The other three subchapters will be continued to the Council's July 17, 2002 meeting. The agenda will be available on our web page prior to the meeting. Please note that the location of the July meeting has been changed to the Department of Environmental Quality, first floor, Oklahoma City.

8-Hour Ozone

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Reduction Compact" that would be executed between local officials, the state agency responsible for air pollution control and the EPA. Only those areas that are currently in attainment with the 1-hour ozone standard would be eligible for this program. Areas opting into this program must develop and implement control strategies that account for growth and achieve/maintain the 8-hour ozone standard. This program must include all the necessary elements of a comprehensive air quality SIP and be submitted on a schedule that is much more expeditious than a traditional nonattainment SIP submittal timeframe. The Early Reduction Compact schedule has several integral steps. First, a commitment letter from the participating area must be submitted to EPA by December 2002. An early reduction SIP revision must be adopted by the DEQ no later than December 31, 2004. This would require the completion of emissions inventory and modeling, adoption of controls that demonstrate attainment and preparation of the SIP. No later than December 31, 2005, all sources identified in the submitted SIP as needing additional controls must have the controls in place. The area must show monitored compliance with the 8-hour standard no later than December 31, 2007. This is the date that most of the nonattainment areas would just be submitting SIPs under the traditional schedule so you can see that the schedule is indeed ambitious. Failure to meet any of the milestones outlined above and identified in the December 2002 commitment letter would result in the area immediately reverting to nonattainment status.

In exchange for implementing these early reductions, aside from the obvious public health benefits, the EPA would agree to defer nonattainment designations as long as the area met their milestone commitments and were in monitored attainment by the end of 2007. While EPA has indicated support for the Early Reduction concept, as of the writing of this newsletter, they had not made a decision as to whether this will be one of the implementation options.

Funding

In the upcoming weeks, the AQD will be working with the Tulsa, Oklahoma City and Lawton area Council of Governments, elected officials, affected state and

federal agencies, industry representatives and interested citizens to determine what is the best course of action for each area relative to the Early Reduction Compacts, assuming EPA approves this as an option. The biggest decision to be made is how this work will be funded. To date we have been unsuccessful in our efforts to obtain additional funding. During the 2002 legislative session, we had asked for additional appropriations specifically for work to be done as part of an Early Reduction Compact. Unfortunately, due to the budget shortfall, we were unable to obtain the funding. We can't be sure that the window of opportunity will exist next legislative session such that additional funding from that source would be of help. However, if the opportunity still exists we will again make the request. Currently, we have a grant application pending that could provide up to \$210,000 to hire a contractor to begin the necessary work. We estimate that a total of between \$1,000,000 and \$1,500,000 will be required to fund the technical work necessary to submit an early SIP.

Failure to receive the grant and identify a source for at least a portion of the extra needed money within the next few months will make completion of the work on an expedited schedule problematic at best. However, we believe that the economic and public health benefits associated with getting in a plan that will provide for early reductions are of such importance that we will do the best we can to work with any community that opts into an Early Reduction Compact. Along with our continuing emission inventory work, we will be developing a modeling protocol for investigating the causes of ozone pollution in Oklahoma and developing possible pollution control strategies to be incorporated into any State Implementation Plan we might submit. If you would like to participate in this work or be notified of any public meetings that might be scheduled as part of this work, please contact Leon Ashford at leon.ashford@deq.state.ok.us or call him at (405) 702-4173. We will also be putting notifications on our web site as this work progresses.

The Lead-Based Paint Corner

Since the beginning of the 2002-2003 certification year, the Lead-Based Paint (LBP) staff has seen a sharp increase in the number of LBP abatements throughout the state. Many of these abatements are happening in conjunction with HUD funded rehabilitation programs. The LBP staff would like to remind all DEQ certified LBP abatement Supervisors of some of the DEQ's requirements for abatements.

1. The DEQ must have written notification 10 days prior to the start of LBP abatement and 15 days prior to soil abatement. Notification must be made on LBP abatement notification forms that are available at DEQ headquarters and on our web page (www.deq.state.ok.us/AQDnew/lbp/lbp.htm). Notification should also include a copy of the pre-abatement plan.
2. A DEQ certified LBP Supervisor must be present at the abatement site during the abatement set-up and final clean up of the site.
3. Everyone performing LBP abatement activities at the site must be certified as a LBP Supervisor or Abatement Worker.
4. A certified Inspector or Risk Assessor must perform the post-abatement clearance. This person cannot have an economic relationship with the abatement company.
5. After the property has passed clearance, the certified abatement Supervisor must prepare a post-abatement report.

If you have questions about the requirements for LBP abatements, please call Kerra Roudebush at (405) 702-4100.