

**SUMMARY OF COMMENTS AND STAFF RESPONSES  
FOR PROPOSED REVISION TO APPENDIX H DE MINIMIS FACILITIES**

**COMMENTS RECEIVED PRIOR TO AND AT THE  
APRIL 19, 2006, AIR QUALITY ADVISORY COUNCIL MEETING**

**WRITTEN COMMENTS**

**EPA Region 6** – Letter dated April 12, 2006, received by FAX on April 14, 2006, signed by Thomas H. Diggs, Chief, Air Planning Section and David Neleigh, Chief, Air Permits Section.

1. **COMMENT:** The introductory paragraph to Appendix H states that the de minimis activities list is to be used in conjunction with Subchapter 7 for minor facilities. Approval of Appendix H is dependant on EPA approval of Subchapter 7 Minor Facilities to which a source still could not emit air emissions at or above any revised minor NSR threshold. Please note that EPA is providing comments relating to Subchapter 7 Permits for Minor Facilities, Definitions, "Permit exempt facility," in a separate letter signed by David Neleigh, Chief Air Permits Section. Please note that the enumerated activities in Appendix H must not have a potential to emit equal to or above the SIP-approved 5 tpy threshold. Any enumerated "de minimis" activity must be below the requirement to obtain a minor NSR permit.

**RESPONSE:** DEQ will respond to EPA's comments relating to previous revisions to Subchapter 7 concerning de minimis facilities at another time since it is not part of the proposed revision currently being considered. It is our intention that: the actual emissions from the each activity listed in Appendix H be 5 TPY or less and that the potential emissions be less than the trigger levels for Part 70 operating permits, for PSD, and for sources located in a nonattainment area; the facility not be subject to NSPS or NEHSAP; and that the facility not be operated in conjunction with another facility or source that is subject to air quality permitting.

2. **COMMENT:** Please show that the activities identified as "de minimis" are appropriately defined as de minimis. Please provide the technical basis and documentation to justify list of de minimis activities. Please clarify the rule does not interfere with other federal programs or permitting requirements, etc. Approval of Appendix H is dependent on the State's demonstration under Section 110(1) of the CAA.

**RESPONSE:** This is the first time DEQ has proposed to revise Appendix H since it was promulgated and this is the first time the proposed revision has been in public review. It was DEQ's intent to review Appendix H after it had been in use long enough for staff experience to be used as a guideline for revision. At this time we hope to receive public comment regarding the activities on the list, the proposed revisions to the list, and activities that should be placed on the list. Each item on the final list will be justified prior to promulgation of the revised list.

**OIPA** – E-mail dated April 14, 2006, from Angie Burckhalter, Vice President of Regulatory Affairs.

3. **COMMENT:** In part G of Appendix H, what problems has DEQ been experiencing that shows there is a need to make the limits in (G)(2) through (5) the total for the facility and why is there a limit of 60 days per calendar year on (G)(6)?

**RESPONSE:** When Appendix H was first developed, it was DEQ's intent that facilities on the list meet (A)(i) through (vi) and (B) of the definition of "de minimis facility" in OAC 252:100-7-1.1. We are concerned that as written (G)(2) through (6) could allow a facility (as defined in OAC 252:100-7-1.1) to exceed the emission limit for actual emissions of 5 TPY or less of any regulated air pollutant or to exceed the trigger levels for the Part 70 operating permit program, PSD, or the nonattainment permit program. EPA has also expressed concern about the items in Appendix H. (See Comments #1 and #2 above.)

4. **COMMENT:** We request more time to review all of the changes that are being proposed.

**RESPONSE:** Since the April 19, 2006 Air Quality Advisory Council meeting will be the first time the proposed revision to Appendix H has been presented at public hearing, DEQ's does plan to ask that the hearing be continued to allow for further public comment.

**OIPA** – E-mail dated Letter dated April 17, 2006, from Angie Burckhalter, Vice President of Regulatory Affairs received by E-mail on April 17, 2006.

5. **COMMENT:** We request DEQ establish an exemption allowing oil and gas operators to conduct certain temporary activities without obtaining a permit until they have good data in hand to determine whether a permit is truly needed. This would save both DEQ and operators time and money and prevent permits from being issued when they may not be needed.

**RESPONSE:** This suggestion is being given further consideration.

**NO NEW COMMENTS WERE RECEIVED FOR APPENDIX H PRIOR TO THE JULY 19, 2006 COUNCIL MEETING (as of June 30).**