

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO APPENDIX J TRIVIAL ACTIVITIES LIST**

**COMMENTS RECEIVED PRIOR TO 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 first paragraph of the proposed amendment to Appendix J, should include the following sentence: “In addition, any activity must insure that it does not exceed any standard or limitation contained in 252:100-41, 252:100-42, “Maximum acceptable ambient concentration” or “MAAC” contained in Appendix O of this Chapter for TAC, or any hazardous air pollutant de minimis rate established pursuant to section 112(g) of the Clean Air Act.” This will further insure that those activities described on the list comply with any State or federal standards or limitations.

RESPONSE: Staff will give further consideration to EPA's suggestion change to the first paragraph. However, when the State air toxics program was moved from Subchapter 41 to Subchapter 42 the program was changed significantly. As currently contained in Subchapter 42, it would not be appropriate to include Subchapter 42 in the language EPA has suggested be added to Appendix J. Facilities are not subject to the limits set in Appendix O unless they are located in or impact an Area of Concern.

2. **COMMENT:** The State may act consistent with EPA guidance addressing activities that EPA considers “trivial” in the sense that they never implicate applicable requirements and exempt such activities from permit applications without the need for prior EPA approval. This list in Appendix J should conform to EPA guidance on “trivial” activities. (See White Paper for Streamlined Development of Part 70 Permit Applications, July 10, 1995).

RESPONSE: Staff will give further consideration to EPA's suggestion to conform Appendix J to EPA guidance on "trivial" activities contained in the White Paper for Streamlined Development of Part 70 Permit Applications, July 10, 1995.

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

3. **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, Staff plans to ask that the hearing be continued to allow for further public comment.

Verbal Comments Received at the AQC Meeting

4. **COMMENT:** Lynn Reed of ONEOK stated that blowdowns in Category E should be limited to maintenance and should include all maintenance, not just those due to emergency circumstances. Trivial activities (E)(1) shouldn't apply to emergencies because they are covered under the upset rule. Ms. Reed proposed that the trivial activity be limited to maintenance and that it cover both minor sources and Title V sources.

RESPONSE: This issue is being investigated further.