

**SUMMARY OF COMMENTS AND STAFF RESPONSES  
FOR PROPOSED REVISION TO SUBCHAPTER 7**

**COMMENTS RECEIVED PRIOR TO THE  
JANUARY 17, 2007, AIR QUALITY ADVISORY COUNCIL MEETING  
(This Meeting Was Cancelled Due To Weather)**

**Written Comments**

**EPA Region 6** – Letter dated January 11, 2007, received via E-mail on January 12, 2007, signed by Thomas H. Diggs, Chief, Air Planning Section.

1. **COMMENT:**1 1 Mr. Diggs had no adverse comments regarding the proposed revision to Subchapter 7.

**MOGA** – Letter dated January 11, 2007, received on January 16, 2007, signed by Michael Barnard, President

2. **COMMENT:** Mr. Barnard asked that a timeline be developed for newly drilled and completed wells which are being evaluated to determine whether a permit is required for that drilling or field production facility. He suggested that owners or operators of newly drilled wells have 60 days after first production to file an NOI/construction permit application and that within 90 days of filing the NOI/construction permit application, appropriate emissions control be installed at field production facilities. Within 180 days after first production, an application for an operating permit shall be filed with the DEQ for that field production facility.

**RESPONSE:** This request is under consideration. DEQ is currently investigating how other states are handling this problem.

**OIPA** – Letter dated January 17, 2007, received via E-mail on January 17, 2007, signed by Angie Burckhalter, Vice President of Regulatory Affairs.

3. **COMMENT:** Ms. Burckhalter asks that construction permit requirements for the oil and gas exploration and production activities be modified to make allowance for the uncertainty of emissions before the formation has stabilized. She requested that action on the proposed revision to Subchapter 7 be postponed to allow industry and the DEQ to work together to develop language to address this issue.

**RESPONSE:.** See Response to Comment 2.

**COMMENTS RECEIVED PRIOR TO THE  
JULY 18, 2007, AIR QUALITY ADVISORY COUNCIL MEETING**

**OIPA** – Letter dated July 12, 2007, received via E-mail on July 12, 2007, signed by Angie Burckhalter, Vice President of Regulatory Affairs.

- 4. COMMENT:** Ms. Burckhalter expressed OIPA's concern about the elimination of the horsepower and throughput limits for use in determining if a facility qualifies as permit exempt and welcomed the opportunity to work with AQD staff to develop the guidance document that will replace material deleted from the rule. She emphasized the importance that the guidance document include "hard numbers" that operators are familiar with (i.e. engine horsepower information and crude oil and natural gas throughput information). She also requested that the guidance document be completed prior to requesting the Air Quality Council's approval of the proposed changes to OAC 252:100-7 stating that the additional time will allow industry and ODEQ time to work together to develop a guidance document that will provide a practical tool for the oil and gas industry to use. Ms. Burckhalter stated that it was OIPA's understanding that ODEQ is developing language that would clarify issues concerning the temporary testing and completion of new and/or re-completed wells before determining if an air permit is needed and that Subchapter 7 may be an appropriate place for this type of language.

**RESPONSE:** Staff does not agree that the guidance document must be completed prior to requesting the Air Quality Advisory Council to forward the proposed revision to Subchapter 7 to the Environmental Quality Board for action. The revision to Subchapter 7 would not be effective until July 1, 2008 leaving ample time for development of the guidance document prior to the effective date. As to the development of language to clarify issues concerning the temporary testing and completion of new and/or re-completed wells, we have no assurance that such language will be developed prior to the end of this year. The obvious benefits of an administrative amendment for minor facility operating permits, the extension of the time for submitting a change of ownership, and the other changes that are part of the proposed revision to Subchapter 7 should not be delayed while a solution to the long-standing problem of construction permits for oil and gas exploration and production sites is sought.