

**SUMMARY OF COMMENTS AND STAFF RESPONSES FOR
AMENDED SUBCHAPTER 5, REGISTRATION, EMISSION
INVENTORY AND ANNUAL OPERATING FEES**

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

Written Comments

EPA Region 6 – E-mail received April 11, 2006 from Carrie Paige of the EPA

1. **COMMENT:** The requirement that actual emissions varying from the allowable or from the previous year's actual emissions by more than 30% be explained is being struck. Where is this provision adequately covered elsewhere in the regulations? If not adequately covered elsewhere, justify the decision.

RESPONSE: Due to recent staff recommendations, we request that the rule be amended rather than struck. This change is in response to requests from our clients and from Air Quality personnel. The rule as it stands indicates that the annual Emission Inventory should include an explanation for any emission that has changed from the permitted allowable or from the previous year by 30% or more. In a study of 2002 and 2003 inventories there were 10,933 reported emission records that changed by 30% or more but the amount of the change was less than one ton. The amended version states that the Department may require the information to be provided on request for such documentation. The amended rule will allow the Department to focus on documentation requested rather than on thousands of explanations of minimal emission changes. The Department proposes to amend OAC 252:100-5-2.1(b)(3) to read:

OAC 252:100-5-2.1(b)(3) If the actual emissions vary from the allowable or from the previous year's emissions by more than 30% the Department may require the operator or owner to provide an explanation for the difference in order to determine compliance with the Oklahoma Clean Air Act or any rule promulgated thereunder, or any permit condition prescribed or order issued pursuant thereto.

The authority to request the information also appears the next paragraph of this section, paragraph (c) Documentation:

OAC 252:100-5-2.1(c) Documentation. All calculations and assumptions must be verified by proper documentation. All supporting data, including actual production, throughput and measurement records along with engineering calculations and other data utilized in accordance with OAC 252:100-5-2.1(d), below, must be maintained for at least 5 years by the current owner or operator at the facility in conjunction with facility

records of the emission inventory. This information must either be submitted to the Division or made available for inspection upon request.

Verbal Comments Received at the April 19, 2006 AQC Meeting

2. **COMMENT:** At the April 19, 2006 Melody Martin of OG&E made oral comment suggesting that the due date for the annual emission inventory be set to April 1 each year and that the provisions concerning extension requests and the granting of extensions by the Department be removed. After discussion the Council moved to “change that language and also put in language for a thirty day extension.”

RESPONSE: Staff has made the changes requested

COMMENTS RECEIVED PRIOR TO THE JULY 19, 2006, AIR QUALITY ADVISORY COUNCIL MEETING

Fort James Operating Company - E-mail received June 26, 2006 from Stephen E. Landers of the Fort James Operating Company.

3. **COMMENT:** Please consider our comments concerning the proposed rulemakings that will be considered at the July 19, 2006 Air Quality Advisory Council meeting. We would first like to offer our support to the proposed change of OAC 252:100-5-2.1(a)(1). Our Muskogee mill operates a number of complex emissions sources. Operating data that is needed to estimate these complex emissions quite often is not completely known until February following the year’s end. The proposed April 1 deadline will allow sufficient time for the needed data retrieval and emissions estimates.

RESPONSE: Staff concurs

4. **COMMENT:** Secondly, we would like to offer the same support to the proposed change of OAC 252:100-5.2.1(b)(3). We would recommend however that the proposal state that any request by the Department for an explanation in emissions differences described in the proposal, be made in writing through the emission inventory staff. Our concern is that during a compliance evaluation, such explanations may not be immediately and readily available upon the request of an inspector.

RESPONSE: Staff believes it is not necessary to require a written request. The intent of this rule change is to reduce unnecessary paperwork. This request will generally be for a clarification of information on a previously submitted Emission Inventory document. A phone call will suffice in most instances.