

ENVIRONMENTAL CONSULTANT UPDATE



LAND PROTECTION DIVISION

Kelly Dixon - 405-702-5156

DEQ's Green Team Sponsors Brown Bag Lunches on Green Initiatives

DEQ Going Green

DEQ has taken steps and has more plans to make its building and operations more energy efficient and to adopt sustainable practices. DEQ's Green Team is sponsoring a Brown Bag lunch to share and discuss these ideas. Please join the DEQ Green Team on Wednesday, April 29th

from 11:30 to 1:00 to hear our building manager, Phil Sanger, and our resident "garbage man," Fenton Rood, talk about these initiatives. Bring your lunch and meet us in the Multipurpose room on the 1st floor. The talk will start around Noon. Questions? Please contact Kelly Dixon, (405) 702-5156. ■

Wind Turbine Powers Ground Water Remediation

David Drake, with Region 7 of EPA, will give a one-hour talk on a ground water cleanup project in Nebraska that is powered by a wind turbine. Please join us Wednesday May 13, 2009 from 11:30

to 1:00 to learn more about this project. Bring your lunch and meet us in the Multipurpose room on the 1st floor. The talk will start around Noon. Questions? Please contact Kelly Dixon, (405) 702-5156. ■



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Customer Services Division 405-702-1000

Water Quality By-Pass Report Hot Line.....800-256-2365

Customer Services Hot Line 800-869-1400

Visit Our Web site www.deq.state.ok.us

24-hour Emergency Complaints & Emergency Response Hot Line 800-522-0206



Drinking Water and the Lead and Copper Rule

Recently EPA made revisions to the Lead and Copper Rule to: 1) Enhance the areas of monitoring, treatment, customer awareness, and lead service line replacement; 2) Improve compliance with the public education requirements of the rule and ensure drinking water consumers receive meaningful, timely, and useful information needed to help them limit exposure to lead in drinking water.

The Lead and Copper Rule went into effect in 1991 and established a treatment technique to reduce corrosion in the distribution systems of Public Water Supplies (PWS) and their customers' plumbing. Over the years EPA has revised the rule numerous times. After each revision the Oklahoma Department of Environmental Quality (DEQ) re-evaluates and improves the process for implementing the rule. Currently, DEQ is improving its public education materials and forms for the PWS to use in meeting the requirements of the rule. These materials should be available on the DEQ Water Quality Division Web site soon.

The Lead and Copper Rule requires that all PWSs serving populations greater than 50,000 install and maintain corrosion control treatment. The rule also requires any PWS serving populations less than 50,000 that has a lead or copper action level exceedance, to install and maintain corrosion control treatment.

An action level exceedance occurs when more than ten percent of the samples collected during a monitoring period are above the action level of 0.015 mg/L (15ppb) for lead or 1.3 mg/L (1,300 ppb) for copper.

Following an action level exceedance, a PWS will receive a Notice of Exceedance from DEQ and the tasks below are required:

- Submit a Response to Notice of Exceedance;
- Periodically perform four types of monitoring and provide certification of monitoring;

- Submit a Treatment Recommendation including a Treatment Plan endorsed by a Professional Engineer;
- Install, maintain and operate the installed treatment to protect public health; and
- Following a lead action level exceedance, public education must be periodically performed and lead service line replacement may be required.

For more information on the Lead and Copper Rule, call Sheri McGuire at (405) 702-8115. ■



AQD Updates General Permit for Minor Source Oil & Gas Facilities

The Air Quality Division (AQD) recently updated the Minor Source General Permit for Oil and Gas Facilities (GP-OGF), primarily to accommodate recent changes to Federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) under 40 CFR Part 63 and New Source Performance Standards (NSPS) under 40 CFR Part 60. The revised general permit, with an effective date of 12/18/2008, also

includes some changes to the organization and wording of specific conditions.

The GP-OGF is for facilities involved in the production, gathering, processing, storage, or transportation of crude oil, refined petroleum products, natural gas, and natural gas liquids (NGL), including condensate. It authorizes construction and operation of oil and gas facilities with potential emissions below the major source

thresholds that are considered both "true minors" (less than 100 tons/year (TPY) of any regulated pollutant in an attainment area) and "area sources" of hazardous air pollutants or HAPs (less than 10 TPY of any individual HAP and less than 25 TPY of total HAPs). Facilities that maintain their emissions below the major source threshold by using operational limitations and/or add-on

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controls also qualify under the GP, provided the Notice Of Intent (NOI) specifies any necessary specific conditions to be included in Authorization.

The permit revision adds provisions for NSPS Subpart JJJJ for spark ignition reciprocating internal combustion engines (RICE), NESHAP Subpart ZZZZ amendments for RICE at area sources, and NESHAP Subpart BBBBBB for area source gasoline distribution facilities. These recent changes in the federal standards, particularly those to NSPS Subpart JJJJ, significantly expand the number of oil and gas facilities that are required to obtain an AQ permit. The GP-OGF has been serving as a "bridge" to handle these additional facilities until Air Quality issues

the General Permit for Area Source NESHAP and Small NSPS Facilities (scheduled to go to public notice this spring), or addresses Subpart JJJJ with a permit-by-rule or other rule change.

Existing facilities may continue to operate under the old GP-OGF or switch to the new GP. However, the old version is no longer available to new or certain modified facilities. Those oil and gas facilities that replace or add equipment or processes that are subject to the amended federal standards must apply under the new general permit. Note that these recent regulatory changes apply to affected facilities regardless of whether they are covered by an individual permit or either version of the GP. An updat-

ed fact sheet and general permit application forms (NOIs) are available on DEQ's Web site at www.deq.state.ok.us, along with copies of the Minor Source General Permit for Oil and Gas Facilities and accompanying explanatory memorandum.

General permits provide flexibility for qualified minor facilities while allowing DEQ to maximize use of available resources. A general discussion of air quality individual and general permits is included in an article titled "AQD Re-issues General Permit for Minor Source Rock Crushers" in the August 2007 edition of AQ Update, available on DEQ's Web site. Additional information on other general permits issued by AQD can be found on DEQ's Web site, as well. ■

2009 EMISSIONS INVENTORY WORKSHOPS ——— Morris Moffett - 405-702-4179

A total of 209 industry representatives and consultants attended emissions inventory workshops in Oklahoma City on January 22 and in Tulsa on January 29. The morning sessions provided an introduction to the DEQ emissions inventory reporting web application, the basics of emissions inventories and Redbud. The afternoon session included more in-depth discussions and additional material.

The Emissions Inventory Section staff provided PowerPoint presentations and live Redbud demonstrations which were followed by question-and-answer sessions. Laptop computers were made available to anyone who wished to practice entering information online. A Wi-Fi signal was available to those who brought their own laptop computer and wished to access Redbud and edit data for either their own company or for a "Testco" practice facility.

Feedback forms returned at the conclusion of each session reflected a very positive reception. Several requests and suggestions will be implemented as resources allow.

There were several questions asked at each workshop which will

This year, the following additional topics were discussed:

- EPA's drive to produce more accurate inventories, during a shortened timeframe
- The critical importance of the 2008 National Emissions Inventory (NEI) – the data for which is now being reported by industry
- The new federal Air Emissions Reporting Rule (AERR) which reduces the amount of time DEQ has to review and check data before it is reported to EPA
- Potential Ozone Nonattainment Status in Oklahoma cities and its implications for emissions inventories
- Plans for increased Quality Control checking on each emissions inventory
- Update on the upcoming federal Cross Media Electronic Reporting Rule (CROMERR), which will mean more stringent requirements for electronic signatures for the next reporting year

be incorporated into the Frequently Asked Questions (FAQ) section of the Emissions Inventory Web site at http://www.deq.state.ok.us/AQDnew/emissions/EI_FAQs.htm. The workshop agenda and Microsoft PowerPoint presentations are available at <http://www.deq.state.ok.us/AQDnew/emissions/2009WorkshopAgenda.html>. ■



Omnibus Appropriations Act of 2009 Changes Toxics Release Inventory (TRI) Reporting Requirements

Toxics Release Inventory (TRI) reporting requirements changed March 11, 2009, as a result of a change in federal law. The 2009 Omnibus Appropriations Act returned TRI reporting requirements to the rules in effect prior to December 22, 2006. These changes affect TRI reports due July 1, 2009.

The change requires that all reports on persistent, bioaccumulative, and toxic (PBT) chemicals be submitted on "Form R," the more detailed form. For all other chemicals the shorter form, "Form A" may be used only if the "annual reporting amount" is 500 pounds or less and the chemical was manufactured, processed or otherwise used in an amount not exceeding 1 million

pounds during the reporting year.

EPA is expected to issue a rule shortly revising the regulatory text in the Code of Federal Regulations to reflect these changes. TRI-ME software, TRI-ME Web application and other reporting assistance materials are being revised and will also be available soon.

Due to the timing of the legislation, facility owners and operators, including many small businesses, will not have as much time as usual to prepare TRI estimates, and they may not have acquired or retained the relevant data from 2008. According to EPA, owners or operators of facilities may use readily available data, or where such data are not available, reasonable estimates of

the amounts involved, in completing the Form R. Reports are due July 1, 2009. Oklahoma participates in the CDX data exchange which means any data submitted via the internet either using TRI-ME software or directly on the EPA Web page using TRI-ME Web comes directly to DEQ. It is not necessary to submit a separate report to DEQ when reporting over the internet. TRI-ME Software and TRI-ME Web reporting both reduce reporting errors, reduce data entry errors and eliminate duplicative reporting. Oklahoma strongly encourages facilities to report with TRI-ME or TRI-ME Web. Questions about reporting may be directed to the EPA hotline at 800-424-9346 or to Jami Murphy at DEQ at 800-869-1400. ■



Changes to Excess Emissions Reporting Requirements

Modifications proposed over the last year to DEQ's excess emissions rule set forth in OAC 252:100-9 will become effective July 1, 2009. The amended version of the rule is posted at <http://www.deq.state.ok.us/mainlinks/EQBmtg.htm>. The amendments will result in the following significant changes:

Affirmative Defenses Established -The rule establishes affirmative defenses that may relieve industry of monetary penalties associated with excess emissions during periods of startup, shutdown, or malfunction¹. These affirmative defenses may be asserted by a facility at any time. **Reduction in Immediate Notice Reporting Requirements** – The rule reduces the amount of immediate notice reporting required by industry by pro-

viding exceptions to the immediate notice requirements for certain (low quantity) excess emissions that are not likely to pose a significant threat to human health or the environment. The exceptions to the immediate notice requirements also extend to all emissions that are the result of startup or shutdown activities.

Additional Time to Submit Written Reports – The rule triples the amount of time facilities have to submit written reports for excess emissions to the DEQ. The previous rule allowed a facility ten (10) days to submit a written report. The new rule allows up to thirty (30) days for the written report to be submitted to DEQ.

The rule potentially decreases the reporting burden on industry by providing a mechanism by which duplicate reporting may be avoided.

Maintenance Activities – The rule does not contain an affirmative defense for excess emissions related to maintenance activities. Maintenance activities are typically activities for which emissions may be anticipated and planned; as such, the emissions related to maintenance activities should be accounted for in a facility's air quality permit. Recognizing that many air quality permits do not currently account for emissions resulting from maintenance activities, the agency intends to provide a six month grace period (beginning after the effective date of the rule change) for those facilities to submit applications for permit modifications that account for maintenance emissions.

Additional information regarding implementation of this rule is available on the DEQ Web site. ■

¹The affirmative defenses established by this rule for startup and shutdown activities do not apply to facilities with permits that already take into account emissions from startup and shutdown activities.