

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits for Minor Facilities

Part 3. Construction Permits

252:100-7-15 [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

252:100-8-36.1 [AMENDED]

252:100-8-36.2 [AMENDED]

Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)

Part 3. Control of VOCs in Storage and Loading Operations

252:100-37-16 [AMENDED]

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-45 [AMENDED]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to make revisions in Subchapters 7, 8, 37, and 39 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). The Department is proposing to correct the rule and statute references in OAC 252:100-8-36.1 to the proper legal form. The Department is proposing to add an exemption to OAC 252:100-37-16(c) to formalize the Department's interpretation that loading operations from condensate tanks at natural gas compressor stations are not considered loading facilities for the purposes of this section. In OAC 252:100-39-45, the Department is proposing to correct the approval process for facilities that incinerate petroleum solvent dry cleaning filters and to remove the outdated compliance schedule. The gist of this rule proposal and the underlying reason for the rulemaking is to remove outdated rule language and/or provide regulatory clarity.

The Department is also proposing to amend the source obligation provisions for facilities subject to prevention of significant deterioration (PSD) in OAC 252:100-8-36.2 to more closely align Oklahoma's rules with the U.S. Environmental Protection Agency (EPA) rules in 40 C.F.R. § 51.166(r). This proposed rulemaking is in response to requests from industry to add the "reasonable possibility" provisions. The gist of the proposed rules and the underlying reasons for the revisions are to make Oklahoma's PSD source obligation provisions more similar to EPA's provisions, thereby reducing the recordkeeping burden on Oklahoma's permitted PSD facilities.

AUTHORITY:

Environmental Quality Board; 27A Okla. Stat. (O.S.) §§ 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-117.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

COMMENT PERIOD:

Written comments may be submitted to the contact person from May 3, 2021, through June 2, 2021. Oral comments may be made at the June 16, 2021 hearing and at the September 14, 2021 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, June 16, 2021, via videoconference or teleconference in compliance with the Open Meetings Act, 25 O. S. § 307.1(B) as amended by SB 1031 (2021). Members of the Council and public may attend via videoconference or teleconference. Videoconference or teleconference details may be obtained from the contact person or online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/> when the agenda of the hearing is published at least 24 hours prior to the meeting. In the event the current state of emergency has expired or been terminated by the Governor and the amended provisions of 25 O.S. § 307.1(B) are no longer in effect, the hearing shall take place at the same date and time at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, September 14, 2021, at the Southwest Technology Center, 711 W. Tamarack Rd., Altus, OK 73521. If necessary, the Environmental Quality Board meeting may take place at the specified date and time via videoconference or teleconference in compliance with the Open Meetings Act, 25 O.S. § 307.1(B) as amended by SB 1031 (2021). Videoconference or teleconference details may be obtained from the contact person or obtained online at <https://www.deq.ok.gov/council-meetings/environmental-quality-board/> for the Environmental Quality Board.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 C.F.R. § 51.102 and 27A O.S. § 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 C.F.R. Part 70 and 27A O.S. § 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. § 303(D), a rule impact statement was prepared and is available on the DEQ website at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>. Copies may also be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Melanie Foster, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. The Air Quality Division fax number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4177. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.