

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Excess Emission Reporting Requirements

252:100-9-1. [AMENDED]

252:100-9-1.1. [AMENDED]

252:100-9-2. [AMENDED]

252:100-9-8. [AMENDED]

Appendix E. Primary Ambient Air Quality Standards [REVOKED]

Appendix E. Primary Ambient Air Quality Standards [NEW]

Appendix F. Secondary Ambient Air Quality Standards [REVOKED]

Appendix F. Secondary Ambient Air Quality Standards [NEW]

SUMMARY:

The Department is proposing to amend OAC 252:100-9, Excess Emission Reporting Requirements, to comply with the "[State Implementation Plan (SIP)] Call To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction" (SSM), as published in the Federal Register by the U.S. Environmental Protection Agency (EPA) on June 12, 2015 (80 FR 33840), and to conform with EPA's restated and updated SSM policy applicable to SIPs, as expressed in the referenced Federal Register notice.

The Department also proposes to update OAC 252:100, Appendix E, Primary Ambient Air Quality Standards, and Appendix F, Secondary Ambient Air Quality Standards, to maintain consistency with recent federal changes to the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone, as published in the Federal Register on October 26, 2015 (80 FR 65292).

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Section 2-5-105 for Appendices E and F, and 27A O.S. Sections 2-5-105 and -110 for Subchapter 9.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 20, 2016. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 20, 2016 hearing and at the February 19, 2016 Environmental Quality Board hearing.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 20, 2016, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102. In case of inclement weather, an alternate date is scheduled for Thursday, January 28, 2016 at the same location. In the event the alternate date is needed, the comment period will extend to include that date.

If due to inclement weather the public hearing scheduled for January 20, 2016 is cancelled, notice announcing the hearing cancellation will be posted on the DEQ web site (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 24 hours prior to the

scheduled time for the hearing. Interested parties may call (405) 702-4100 to find out if the hearing has been cancelled.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 19, 2016, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

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 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 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:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after December 15, 2015 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405)702-4100. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. 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)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.