

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Incorporation By Reference

252:100-2-3. [AMENDED]

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

Part 5. Control of VOCs in Coating Operations

252:100-37-27. [NEW]

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

Part 1. General Provisions

252:100-39-4. [AMENDED]

Part 7. Specific Operations

252:100-39-40. [AMENDED]

252:100-39-41. [AMENDED]

252:100-39-47. [AMENDED]

Appendix N. Specialty Coatings VOC Content Limits [REVOKED]

Appendix N. Specialty Coatings VOC Content Limits [NEW]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

SUMMARY:

The Department is proposing to add a new section 252:100-37-27, Control of emission of VOCs from aerospace industries coatings operations, for existing or new aerospace vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities. The new section would allow aerospace coating facilities throughout Oklahoma to be regulated under rules specific to the industry as is presently done in section 252:100-39-47 for Tulsa County. Currently, VOC emissions from coating operations at any type of industry are regulated under 252:100-37-25. The new section would reference certain limits set forth in the aerospace National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63, Subpart GG, which are more applicable for this particular industry than the current generic list in 252:100-37-25. Additionally, the Department is proposing to amend 252:100-39-47 to correct minor typographical errors, incorporate the latest changes to the aerospace NESHAP, and ensure regulatory consistency with proposed section 252:100-37-27. Lastly, the Department is proposing to revoke Appendix N and replace it with a new Appendix N to correct minor typographical errors and specify its intended use for both sections 252:100-39-47 and 252:100-37-27.

The gist of this rulemaking is to provide the aerospace industry with updated requirements that better reflect current aerospace industry coating formulations and practices, and to make those rules applicable statewide. This rulemaking would ensure the aerospace industry in Oklahoma has the opportunity to operate as necessary with standards specific to the industry and consistent with rules already in place for Tulsa County to reduce the formation of ozone.

The Department is proposing to amend 252:100-39-4, Exemptions, to correct a typographical error and add 252:100-39-42, Metal Cleaning, to the sections of 252:100-39 from which VOCs with vapor pressures less than 1.5 pounds per square inch absolute are exempted. The gist of this

rulemaking is to correct a typographical error and add a section of rules from which VOCs with low vapor pressure may be exempt.

The Department is proposing to amend 252:100-39-40, Cutback asphalt (paving), to correct the dates of Oklahoma's non-oxidant season, which should be December 1 through the last day of February. The gist of this rulemaking is to ensure that cutback asphalt cannot be used during Oklahoma's extended ozone season.

The Department is proposing to amend 252:100-39-41, Storage, loading, and transport/delivery of VOCs. The gist of this rulemaking is to allow for the use of alternative testing methods for leak inspections, to revise references used for pressure and vapor testing to the most recent EPA regulations, and to update tank truck tag requirements to reflect current practices. The amendments in 252:100-39-41 are proposed for rules applicable in Tulsa County only.

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rules and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

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

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

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 4, 2018, through October 5, 2018. Oral comments may be made at the October 10, 2018 hearing and at the November 9, 2018 Environmental Quality Board hearing.

PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 10, 2018, at the DEQ Headquarters, 707 N. Robinson, 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 Friday, November 9, 2018, at Dominion House, 602 East College Avenue, Guthrie, OK 73044.

The Air Quality Advisory Council hearing shall also serve as the public hearing 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).

REQUESTS 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, Oklahoma, or reviewed online at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after September 4, 2018 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies may also be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals 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) 702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.