

MINUTES
AIR QUALITY ADVISORY COUNCIL
October 16, 2019
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at January 15, 2020 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 16, 2019, at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. Notice of the meeting was forwarded to the Office of Secretary of State on October 11, 2018. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Beverly Botchlet-Smith acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that forms were available at the registration table for anyone wishing to comment on any of the rules. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Gerald Butcher
Gary Collins
Robert Delano
Gregory Elliott
Jim Haught
Garry Keele
Jeffrey Taylor
Laura Lodes

MEMBERS ABSENT

Steve Landers

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Cheryl Bradley
Madison Miller
Brooks Kirlin
Kent Stafford
Jonathan Truong
Nancy Pearce
Quiana Fields
Grant Loney
Curt Goeller
Phillip Fielder
Carrie Schroeder
Cooper Garbe
Melanie Foster

Kathy Aebischer
Malcolm Zachariah
Dara Schultz
Artisha Hicks
Rick Groshong
Leon Ashford
Heather Lerch
Christina Hagens
Clifton Hoyle
Richard McDaniel
Brad Flaming
Jose Blanco
Bryan Sims
Michael Ketchum
Daniel Ross
Camas Frey

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the June 19, 2019 Regular Meeting. Mr. Elliott moved to approve and Mr. Butcher made the second.

See transcript pages 4 - 5

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Meeting Schedule for Calendar Year 2020 – Ms. Lodes stated the proposed meeting scheduled dates are: January 15 in Oklahoma City, May 13 in Tulsa and October 21 in Oklahoma City. Mr. Collins moved to approve the proposed dates and Mr. Taylor made the second.

See transcript pages 5 - 6

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Chapter 100. Air Pollution Control

OAC 252:100-2. Incorporation By Reference [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

Ms. Nancy O'Brien, Environmental Programs Specialist of the AQD, stated 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. Hearing no questions or comments by the Council or the public, Ms. Lodes called for a motion to adopt Appendix Q, Incorporation by Reference and OAC 252:100-2 as presented with the noted correction replacement page for the corrected spelling of the word "sources." Dr. Delano moved to approve the rule as written and Mr. Butcher made the second. Ms. Madison Miller, Attorney of the AQAC, stated the motion needs to be amended to adopt the proposal that staff has presented with the corrected spelling of the word "sources," but Mr. Haught mentioned the motion was seconded then Ms. Miller advised the Council to vote down the first motion before moving forward with approving the rule. Dr. Delano withdrew his motion and proposed that we vote down the first motion, after a roll call vote, motion was failed.

See transcript pages 7 - 11

Gerald Butcher	No	Jim Haught	No
Gary Collins	No	Garry Keele	No
Robert Delano	No	Jeffrey Taylor	No
Gregory Elliott	No	Laura Lodes	No

Ms. Lodes called for a motion that the staff has proposed adopting 252:100-2, Incorporation by Reference and Appendix Q, Incorporation by Reference with the one noted corrected spelling for the word "sources" for part 72. Dr. Delano made a motion to adopt the rule as written with the correct spelling and Mr. Butcher made the second.

See transcript pages 11 - 12

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Chapter 100. Air Pollution Control

OAC 252:100-39 Emission of Volatile Organic Compounds (VOCs) in

Nonattainment Areas and Former Nonattainment Areas

252:100-39-49. Manufacturing of fiberglass reinforced plastic products [REVOKED]

Mr. Cooper Garbe, Environmental Programs Specialist of the AQD, stated the Department is proposing to revoke 252:100-39-49, Manufacturing of fiberglass reinforced plastic products. Hearing no questions or comments by the Council or the public, Ms. Lodes called for a motion to revoke OAC 252:100-39-49. Mr. Elliott moved to approve and Dr. Delano made the second.

See transcript pages 12 - 17

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Chapter 100. Air Pollution Control

OAC 252:100-13. Open Burning [AMENDED]

Mr. Leon Ashford, Environmental Programs Specialist of the AQD, stated the Department is proposing to amend 252:100-13, Open Burning, to incorporate changes made to the Oklahoma Statutes in the 2019 legislative session as well as other minor clarifications. Following questions and comments by the Council and none by the public, Ms. Lodes called for a motion stating that based on the revisions proposed in the packet at this meeting, which includes that they vary from the public notice version, because we include the revisions proposed by EPA that are presented by Mr. Ashford, we are going to also make additional changes to this version and those are the versions as discussed a moment ago, to OAC 252:100-13-7 (4) (b). We will strike the word "upwind" and "of" and replace them with the word "from." OAC 252:100-13 (8) (a) is now going to read "except as provided in OAC 252:100-13-8 (a) (1)." For OAC 252:100-13-8.1(b) will read "except in accordance with OAC 252." Then for OAC 252:100-13-9 (6) will now read "open burning of waste generated from commercial operations shall be conducted at least 500 feet from any occupied structure." Staff has recommended that the Council propose this rule as final. Mr. Taylor moved to approve and Mr. Butcher made the second.

See transcript pages 17 - 38

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting.

See transcript page 38

Presentation – Mr. Daniel Ross, Environmental Programs Specialist of the AQD, gave a presentation on Oklahoma Ozone: Then and Now.

Division Director's Report – Mr. Eddie Terrill, Division Director of the AQD, provided an update on other Division activities.

New Business – None

Adjournment – The next scheduled regular meeting is on Wednesday, January 15, 2020 in Oklahoma City. Meeting adjourned at 10:45 a.m.

Gerald Butcher	Yes	Jim Haught	Yes
Gary Collins	Yes	Garry Keele	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes

Transcript and attendance sheet are attached as an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY ADVISORY COUNCIL

PUBLIC MEETING

OCTOBER 16, 2019 - 9:00 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

REPORTED BY: JENNIFER PAYNE KAE LIN, CSR

Page 2

1 COUNCIL MEMBERS PRESENT:
2 MS. LAURA LODES - CHAIR
3 MR. GARY COLLINS - VICE-CHAIR
4 DR. ROBERT DELANO
5 MR. GREGORY ELLIOTT
6 MR. JIM HAUGHT
7 MR. GARY KEELE, II
8 MR. JEFFREY TAYLOR
9 MR. GERALD BUTCHER
10 MR. STEVE LANDERS - absent
11 ALSO PRESENT:
12 MR. EDDIE TERRILL, Director of the Air Quality Division
13 MS. BEVERLY BOTCHLET-SMITH, Assistant Director of the Air
Quality Division
14
15 MS. QUIANA FIELDS, Secretary of Board and Council
16 MS. NANCY PEARCE, Environmental Programs Specialist,
Air Quality Division
17
18 MS. MADISON MILLER, DEQ staff
19 MR. COOPER GARBE, DEQ staff
20 MR. LEON ASHFORD, DEQ staff
21 MS. MELANIE FOSTER, DEQ staff
22 MS. CHERYL BRADLEY, DEQ staff
23
24
25

Page 3

1 CALL TO ORDER 9:00 A.M.
2 MADAM CHAIR LAURA LODES: Good morning. I'd
3 like to call to order the regular meeting for the
4 Air Quality Council -- Air Quality Advisory Council. The
5 first item on today's agenda is to call roll.
6 Quiana, please call roll.
7 MS. QUIANA FIELDS: Mr. Butcher.
8 MR. GERALD BUTCHER: Here.
9 MS. QUIANA FIELDS: Mr. Collins.
10 VICE-CHAIR GARY COLLINS: Here.
11 MS. QUIANA FIELDS: Dr. Delano.
12 DR. ROBERT DELANO: Present.
13 MS. QUIANA FIELDS: Mr. Elliott.
14 MR. GREGORY ELLIOTT: Here.
15 MS. QUIANA FIELDS: Mr. Haught.
16 MR. JIM HAUGHT: Here.
17 MS. QUIANA FIELDS: Mr. Keele.
18 MR. GARRY KEELE: Here.
19 MS. QUIANA FIELDS: Mr. Landers is absent.
20 Mr. Taylor.
21 MR. JEFFREY TAYLOR: Here.
22 MS. QUIANA FIELDS: Ms. Lodes.
23 MADAM CHAIR LAURA LODES: Here.
24 MS. QUIANA FIELDS: We have a quorum.
25 MADAM CHAIR LAURA LODES: Thank you. The next

Page 4

1 item on today's Agenda is approval of the minutes from
2 the June 19, 2019, regular meeting. Are there any
3 comments or questions on the minutes?
4 (No response.)
5 MADAM CHAIR LAURA LODES: Seeing no questions
6 or comments, do I have a motion to pass the minutes?
7 MR. GREGORY ELLIOTT: I make a motion to pass
8 the minutes as presented.
9 MR. GERALD BUTCHER: I'll second that motion.
10 MADAM CHAIR LAURA LODES: I have a motion and a
11 second. Would you please call roll?
12 MS. QUIANA FIELDS: Mr. Butcher.
13 MR. GERALD BUTCHER: Yes.
14 MS. QUIANA FIELDS: Mr. Collins.
15 VICE-CHAIR GARY COLLINS: Yes.
16 MS. QUIANA FIELDS: Dr. Delano.
17 DR. ROBERT DELANO: Yes.
18 MS. QUIANA FIELDS: Mr. Elliott.
19 MR. GREGORY ELLIOTT: Yes.
20 MS. QUIANA FIELDS: Mr. Haught.
21 MR. JIM HAUGHT: Yes.
22 MS. QUIANA FIELDS: Mr. Keele.
23 MR. GARRY KEELE: Yes.
24 MS. QUIANA FIELDS: Mr. Taylor.
25 MR. JEFFREY TAYLOR: Yes.

Page 5

1 MS. QUIANA FIELDS: Ms. Lodes.
2 MADAM CHAIR LAURA LODES: Yes.
3 MS. QUIANA FIELDS: Motion passed.
4 MADAM CHAIR LAURA LODES: Okay. The next item
5 on today's Agenda is the meeting schedule for calendar
6 year 2020. We have -- the Agency has proposed Wednesday,
7 January 15th of 2020, in Oklahoma City; May 13th, 2020,
8 in Tulsa; October 21st, 2020, in Oklahoma City. This
9 will line up appropriately with the Environmental Quality
10 Board schedule.
11 Do we have any questions or comments on the proposed
12 schedule?
13 (No response.)
14 MADAM CHAIR LAURA LODES: Hearing no questions
15 or comments on the proposed schedule, do I have a motion
16 to pass the proposed schedule?
17 VICE-CHAIR GARY COLLINS: I'll make a motion to
18 pass the proposed schedule as presented.
19 MR. JEFFREY TAYLOR: Second.
20 MADAM CHAIR LAURA LODES: I have a motion and a
21 second. Would you please call roll?
22 MS. QUIANA FIELDS: Mr. Butcher.
23 MR. GERALD BUTCHER: Yes.
24 MS. QUIANA FIELDS: Mr. Collins.
25 VICE-CHAIR GARY COLLINS: Yes.

Page 6

1 MS. QUIANA FIELDS: Dr. Delano.
2 DR. ROBERT DELANO: Yes.
3 MS. QUIANA FIELDS: Mr. Elliott.
4 MR. GREGORY ELLIOTT: Yes.
5 MS. QUIANA FIELDS: Mr. Haught.
6 MR. JIM HAUGHT: Yes.
7 MS. QUIANA FIELDS: Mr. Keele.
8 MR. GARRY KEELE: Yes.
9 MS. QUIANA FIELDS: Mr. Taylor.
10 MR. JEFFREY TAYLOR: Yes.
11 MS. QUIANA FIELDS: Ms. Lodes.
12 MADAM CHAIR LAURA LODES: Yes.
13 MS. QUIANA FIELDS: Motion passed.
14 MS. BEVERLY BOTCHLET-SMITH: Good morning. I'm
15 Beverly Botchlet-Smith. I'm the Assistant Director of
16 the Air Quality Division. And as such, I'll serve as the
17 protocol officer for today's hearings.
18 The hearings will be convened by the Air Quality
19 Council in compliance with the Oklahoma Administrative
20 Procedures Act in Title 40 of the Code of Federal
21 Regulations, Part 51, as well as the authority of
22 Title 27A of the Oklahoma Statutes, Section 2-2-201 and
23 Sections 2-5-101 through 2-5-117.
24 Notice of the October 16, 2019, hearing were
25 advertised in the Oklahoma Register for the purpose of

Page 8

1 new date of incorporation for Appendix Q.
2 In addition, the Department is proposing to revoke
3 the current Chapter 100, Appendix Q, Incorporation by
4 Reference, and adopt a new Appendix Q. This proposal is
5 part of the annual update of Title 40, Code of Federal
6 Regulations, Incorporations by Reference in Chapter 100.
7 The Oklahoma rules on rulemaking dictate the
8 procedure for amending a rule appendix by revoking the
9 old and creating an entirely new appendix.
10 The proposed changes to Appendix Q reflect federal
11 regulations, mostly New Source Performance Standards
12 (NSPS) and National Emission Standards for Hazardous Air
13 Pollutants, or (NESHAPS), which have been implemented as
14 of June 30th, 2019. The update would incorporate any
15 amendments to standards currently listed in Appendix Q.
16 One change to Appendix Q would add language to
17 Part 72, Permits Regulation, by adding the words, in
18 parentheses, (for Acid Rain Sources). A spelling error
19 for the word "sources" was made in the published copy, so
20 a correction will need to be made at the meeting today.
21 A copy of the corrected language is in your manila
22 folder.
23 A list of all other standards, that have been
24 modified since July 1, 2018, was provided in your packet.
25 The list is also included as the last page of the handout

Page 7

1 receiving comments pertaining to the proposed OAC
2 Title 252 Chapter 100 rules as listed on the Agenda and
3 will be entered into each record along with the
4 Oklahoma Register filing. Notice of Meeting was filed
5 with the Secretary of State on October 11th, 2018. The
6 Agenda was duly posted 24 hours prior to the meeting at
7 the DEQ.
8 If you wish to make a statement, it's very important
9 for you to complete the form at the registration table,
10 and then you will be called upon at the appropriate time.
11 Audience members, please come to the podium for your
12 comments and please state your name.
13 At this time, we'll proceed with what's marked as
14 Agenda Item 5(A) on the Hearing Agenda. This is
15 Chapter 100, Air Pollution Control, OAC 252:100-2,
16 Incorporation by Reference, and Appendix Q, Incorporation
17 by Reference.
18 The presentation today will be given by Nancy Pearce
19 of our staff.
20 MS. NANCY PEARCE: Good morning. Madam Chair,
21 members of the council, ladies and gentlemen, I'm
22 Nancy Pearce, Environmental Program Specialist with the
23 Air Quality Division.
24 The Department is proposing to update language in
25 Subchapter 2, Incorporation by Reference, to reflect the

Page 9

1 for Subchapter 2 and Appendix Q. No new standards have
2 been added this year.
3 Notice was published in the Oklahoma Register on
4 September 3rd, 2019, for these proposed changes. The
5 notice requested written comments from the public and
6 other interested parties. No comments have been received
7 as of today.
8 Staff requests the council recommend this rulemaking
9 to the Environmental Quality Board for permanent adoption
10 with the change that you have in your folder. Thank you.
11 MS. BEVERLY BOTCHLET-SMITH: Do we have any
12 questions from the council for Ms. Pearce?
13 (No response.)
14 MS. BEVERLY BOTCHLET-SMITH: Any questions or
15 comments from the public?
16 (No response.)
17 MS. BEVERLY BOTCHLET-SMITH: Hearing none,
18 Laura.
19 MADAM CHAIR LAURA LODES: Staff has proposed
20 that we adopt Appendix Q, Incorporation by Reference, and
21 OAC 252:100-2 as presented here with the noted correction
22 replacement page for the corrected spelling of the word
23 "sources." Do I have a motion?
24 DR. ROBERT DELANO: My motion is adopt as
25 written.

Page 10

1 MR. GERALD BUTCHER: And I'll second that.
2 MS. MADISON MILLER: We may need to amend the
3 motion to adopt the proposal that staff has presented
4 with the corrected spelling of the word "sources."
5 DR. ROBERT DELANO: Okay. I'll revise that to
6 propose that we -- that we accept that with the
7 appropriate spelling as presented.
8 MS. MADISON MILLER: That's good.
9 MR. JIM HAUGHT: But once we have a motion and
10 a second, don't we have to act on that?
11 MS. MADISON MILLER: I -- was there a second?
12 MS. BEVERLY BOTCHLET-SMITH: There was a
13 second.
14 MR. GERALD BUTCHER: I seconded.
15 MS. MADISON MILLER: Okay. Vote down the first
16 motion.
17 DR. ROBERT DELANO: Thank you. I propose that
18 we vote down the first one.
19 MS. BEVERLY BOTCHLET-SMITH: You have to vote.
20 MADAM CHAIR LAURA LODES: Okay. Quiana, on the
21 first motion, with the incorrect spelling, please call
22 roll.
23 MS. QUIANA FIELDS: Mr. Butcher.
24 MR. GERALD BUTCHER: I vote in favor of
25 proposing the --

Page 12

1 adopt as written with the correct spelling in place.
2 MR. GERALD BUTCHER: And I'll second that
3 again.
4 MADAM CHAIR LAURA LODES: Please call roll.
5 MS. QUIANA FIELDS: Mr. Butcher.
6 MR. GERALD BUTCHER: Yes.
7 MS. QUIANA FIELDS: Mr. Collins.
8 VICE-CHAIR GARY COLLINS: Yes.
9 MS. QUIANA FIELDS: Dr. Delano.
10 DR. ROBERT DELANO: Yes.
11 MS. QUIANA FIELDS: Mr. Elliott.
12 MR. GREGORY ELLIOTT: Yes.
13 MS. QUIANA FIELDS: Mr. Haught.
14 MR. JIM HAUGHT: Yes.
15 MS. QUIANA FIELDS: Mr. Keele.
16 MR. GARRY KEELE: Yes.
17 MS. QUIANA FIELDS: Mr. Taylor.
18 MR. JEFFREY TAYLOR: Yes.
19 MS. QUIANA FIELDS: Ms. Lodes.
20 MS. LAURA LODES: Yes.
21 MS. QUIANA FIELDS: Motion passed.
22 MS. BEVERLY BOTCHLET-SMITH: The next item on
23 today's Agenda 5(B) is Chapter 100, Air Pollution
24 Control, OAC 252:100-39, Emission of Volatile Organic
25 Compounds, or (VOCs) in Nonattainment Areas and Former

Page 11

1 MADAM CHAIR LAURA LODES: No. You want to vote
2 no.
3 MR. GERALD BUTCHER: Okay. I vote no then.
4 (Laughter.)
5 MS. QUIANA FIELDS: Mr. Collins.
6 VICE-CHAIR GARY COLLINS: No.
7 MS. QUIANA FIELDS: Dr. Delano.
8 DR. ROBERT DELANO: No.
9 MS. QUIANA FIELDS: Mr. Elliott.
10 MR. GREGORY ELLIOTT: No.
11 MS. QUIANA FIELDS: Mr. Haught.
12 MR. JIM HAUGHT: No.
13 MS. QUIANA FIELDS: Mr. Keele.
14 MR. GARRY KEELE: No.
15 MS. QUIANA FIELDS: Mr. Taylor.
16 MR. JEFFREY TAYLOR: No.
17 MS. QUIANA FIELDS: Ms. Lodes.
18 MS. LAURA LODES: No.
19 MS. QUIANA FIELDS: Motion failed.
20 MADAM CHAIR LAURA LODES: Okay. Staff has
21 proposed adopting 252:100-2, Incorporation by Reference,
22 and Appendix Q, Incorporation by Reference, with the one
23 noted corrected spelling for the word "sources" for
24 Part 72. Do I have a motion?
25 DR. ROBERT DELANO: I make a motion that we

Page 13

1 Nonattainment Areas and 252:100-39-49, Manufacturing of
2 fiberglass reinforced plastic products being proposed to
3 be revoked. And Mr. Cooper Garbe, of our staff, will
4 give the presentation.
5 MR. COOPER GARBE: Madam Chair, members of the
6 council, members of the public, good morning. I'm
7 Cooper Garbe. I'll present the Department's proposed
8 changes to Subchapter 39, Section 49, Manufacturing of
9 fiberglass reinforced plastic products.
10 You may recall, Subchapter 39 applies to
11 nonattainment and former nonattainment areas. For the
12 reasons I will highlight, Section 49 is no longer
13 necessary and, thus, our proposal for revocation.
14 The Section 49 rule was developed in 1989 as part of
15 the Tulsa attainment SIP requirements to control major
16 sources of VOC after the Fibercast facility, in
17 Tulsa County, reported emissions greater than 100 tons in
18 1988.
19 Section 49 requires the use of control equipment on
20 any process gas stream with VOC emissions greater than
21 six tons per year, based on 6,240 hours of operation.
22 That control equipment must demonstrate an 85 percent
23 reduction in VOC.
24 Fibercast, now called Fiber Glass Systems, remains
25 exempt from the control requirements of Section 49,

Page 14

1 because each unit has limited emissions to below six tons
2 per year. And while the rule was developed specific for
3 Fibercast, its applicability was intended to cover any
4 major source in Tulsa County that uses fiberglass in
5 their manufacturing process. This can be seen in a
6 memorandum and the notice from the 1989 rulemaking
7 process. Unfortunately, the rule language today does not
8 narrow the applicability to Tulsa County or include the
9 major source threshold as was intended.

10 Using the intended applicability, the Department is
11 aware of only one other major source that Section 49
12 could potentially apply to, Containment Solutions in
13 Tulsa. Similar to Fiber Glass Systems, each has limited
14 emissions below six tons per year at each unit and,
15 therefore, exempt from the control requirements of
16 Section 49.

17 The primary reason Section 49 is no longer necessary
18 is that since promulgated federal standard that covers
19 reinforced plastic composites production. In 1989, there
20 were no standards or Control Technique Guidelines for
21 manufacturing facilities using fiberglass. Then in 2003,
22 the EPA promulgated a National Emission Standard to cover
23 this process, NESHAP Subpart WWW. Both Fiber Glass
24 Systems and Containment Solutions are subject to this
25 federal standard.

Page 16

1 Board for permanent adoption. Thank you.

2 MS. BEVERLY BOTCHLET-SMITH: Do we have any
3 questions from the council?
4 (No response.)

5 MS. BEVERLY BOTCHLET-SMITH: Any questions or
6 comments from the public?
7 (No response.)

8 MS. BEVERLY BOTCHLET-SMITH: Hearing none,
9 Laura.

10 MADAM CHAIR LAURA LODES: The Agency has
11 recommended that we propose to revoke OAC 252:100-39-49.
12 Do I have a motion?
13 MR. GREGORY ELLIOTT: I make a motion to revoke
14 OAC 252:100-39-49 as proposed.

15 DR. ROBERT DELANO: Second.

16 MR. JEFFREY TAYLOR: Second that.

17 MADAM CHAIR LAURA LODES: I have a motion and a
18 second. Please call roll.

19 MS. QUIANA FIELDS: Mr. Butcher.

20 MR. GERALD BUTCHER: Yes.

21 MS. QUIANA FIELDS: Mr. Collins.

22 MR. GARY COLLINS: Yes.

23 MS. QUIANA FIELDS: Dr. Delano.

24 DR. ROBERT DELANO: Yes.

25 MS. QUIANA FIELDS: Mr. Elliott.

Page 15

1 NESHAP WWW limits emissions of hazardous air
2 pollutants, while Section 49 controls the emission of
3 volatile organic compounds. For the operations in
4 question, fiberglass reinforced plastic products
5 manufacturing, the primary pollutant of concern is
6 styrene, which is considered as both a HAP and VOC.

7 The NESHAP utilizes many different forms of emission
8 limits and controls, depending on the size and type of
9 operations. One example, for the sake of comparison, is
10 the NESHAP's requirement to reduce HAP emissions by at
11 least 95 percent by weight at facilities emitting 100
12 tons per year or more of a HAP. Let's say the state
13 rule, Section 49, applied to major sources as intended,
14 the required reduction rate would be only 85 percent.

15 With the understanding that Section 49 is not
16 currently limiting emissions from any sources, and there
17 is now a federal standard that limits emissions beyond
18 what Section 49's reduction would implement, the
19 Department is proposing to revoke Section 49 of
20 Subchapter 39.

21 Notice of this proposal was published in the
22 Oklahoma Register on September 3rd, 2019. No comments
23 have been received as of this date. Today, the
24 Department would ask that the council recommend the
25 proposed rule changes before the Environmental Quality

Page 17

1 MR. GREGORY ELLIOTT: Yes.

2 MS. QUIANA FIELDS: Mr. Haught.

3 MR. JIM HAUGHT: Yes.

4 MS. QUIANA FIELDS: Mr. Keele.

5 MR. GARRY KEELE: Yes.

6 MS. QUIANA FIELDS: Mr. Taylor.

7 MR. JEFFREY TAYLOR: Yes.

8 MS. QUIANA FIELDS: Ms. Lodes.

9 MS. LAURA LODES: Yes.

10 MS. QUIANA FIELDS: Motion passed.

11 MS. BEVERLY BOTCHLET-SMITH: The next item on
12 today's Agenda 5(C) is Chapter 100, Air Pollution Control
13 OAC 252:100-13, Open Burning. Mr. Leon Ashford will give
14 the staff presentation today.

15 MR. LEON ASHFORD: Madam Chair, members of the
16 council -- what do I do to turn it on? Thank you. Can
17 you hear me?

18 Madam chair, members of the council, members of the
19 public, my name is Leon Ashford. The Department is
20 proposing to amend Oklahoma Administrative Code 252:100-13
21 Open Burning to conform to the Department of
22 Environmental Quality rules to statutory changes -- wait
23 a minute. Excuse me. Let me start over again here.

24 The department is proposing to amend Oklahoma
25 Administrative Code 252:100-13 Open Burning to conform to

Page 18

1 the Department of Environmental Quality rules to
2 statutory changes enacted in the 2019 legislative
3 session.
4 In your folders, you will find a slightly revised
5 version of Subchapter 13 from what was public noticed.
6 Please use this version as I go through the proposed
7 changes to the rule.
8 The first statutory change required that we modify
9 where an air curtain incinerator, or ACI, is required.
10 The statute required DEQ to change our rules to allow the
11 open burning of wood waste outside of the Oklahoma City
12 and Tulsa MSAs, or metropolitan statistical areas,
13 without the use of an air curtain incinerator for
14 land-clearing operations and for burning clean wood,
15 waste or yard brush.
16 To address the new statute, we made several
17 revisions. The first is to the "wood waste" definition
18 in 13-2 to add the synonymous term "clean wood waste."
19 The second is in 13-5 where we removed the prohibition on
20 transport without the use of an air curtain incinerator.
21 The third revision was in 13-8 where we clarified when an
22 ACI is required per the new statute.
23 Note, in the last sentence of 13-8(a) where we
24 reference OAC 252:100-13-8(1), we inadvertently omitted
25 the (a). The reference should be OAC:252-100-13-8(a) (1).

Page 20

1 education facilities. We added 13-7(8) on Page 3, which
2 is a provision for open burning of certain medical
3 marijuana plant parts to address these new -- the new
4 statute.
5 EPA requested that we be more specific in our
6 terminology and provide a reference to the Oklahoma
7 Medical Marijuana Waste Management Act, which we -- which
8 we have done in the version of the rule in your folder.
9 Here is how we propose 252:100-13-7(8) to read now:
10 Certain medical marijuana plant refuse, commercial -- oh,
11 the title is certain medical marijuana plan refuse.
12 Excuse me. Commercial licensees, medical marijuana
13 research facilities, and medical marijuana educational
14 facilities, as those terms are defined in the Oklahoma
15 Statutes at Section 428 of Title 63, titled the Oklahoma
16 Medical Marijuana Waste Management Act or (Act) are
17 allowed to be open burned -- excuse me -- are allowed to
18 open burn the parts of the medical marijuana plant --
19 excuse me -- I'll start over. I'll start over again
20 here. Excuse me.
21 Medical -- I'll begin at the Act -- are allowed to
22 open burn the part -- the parts of the medical -- excuse
23 me. I keep doing it. I'm going to start over at the
24 Act. Are allowed to open burn the parts of the marijuana
25 plant grown to produce medical marijuana that are

Page 19

1 We also added a new Section 252:100-13-8.1 to
2 address the transport issue associated with the air
3 curtain incinerator requirements. Also, note in
4 252:100-13 -- 252:100-13-8.1(b) where it starts "except
5 in accordance with AOC 252:100-13-8(a)" should read
6 "except in accordance with OAC 252:100-13-8(a)."
7 Not directly related to the air curtain statute but
8 prompted by the changes we were already making, we also
9 removed the list of counties in the metropolitan
10 statistical areas from 13-7(4)(B). We believe it is
11 possible that the counties that comprised the MSAs will
12 change after the 20 -- the 2020 census and did not want
13 the rule to already be out of date. We currently
14 maintain a list of counties in each MSA on our website
15 for open burning purposes.
16 We are also discussing ways to find -- to make
17 findings -- excuse me. We are also discussing ways to
18 make finding the list of counties in the MSAs even easier
19 for the regulated community, such as a note or a
20 hyperlink on our electronic version of Chapter 100.
21 The second statutory change was to conform our
22 Subchapter 13, the new Medical Marijuana Waste Management
23 Act to allow the open burning of certain marijuana plant
24 parts by medical marijuana commercial licensees, medical
25 marijuana research facilities, and medical marijuana

Page 21

1 exempted from the term "Medical marijuana waste" as
2 defined in the Oklahoma statutes at Section 428 of
3 Title 63 of the Act.
4 Although these changes revise the scope of what
5 we -- of what can be burned under Subchapter 13, please
6 remember that anyone who practices open burning must
7 still comply with the rest of Subchapter 13, mainly
8 13-9(1) which states "No public nuisance will be
9 created."
10 We also took the opportunity, while Subchapter 13
11 was open, to make some additional minor changes. Changes
12 were made in Section 13-2, Definitions, to reflect an
13 update in terminology from "watch" to "alert" for ozone
14 and particulate matter notifications. This will conform
15 the terminology to what is used by our partners in the
16 MSAs.
17 Section 13-7(1), Fire training, was also amended to
18 clarify specific inspection and removal requirements as
19 provided for in the Oklahoma Clean Air Act. And 13-9(6)
20 was added to ensure that the open burning of commercial
21 waste, either due to transport from medical marijuana
22 activities -- okay. Excuse me. I'm going to start this
23 over again.
24 And 13-9(6) was added to ensure that the open
25 burning of commercial waste, due to transport or from

Page 22

1 medical marijuana activities, could not create a
2 nuisance.

3 We have worked closely with the Land Protection
4 Division and Environmental Complaints and Local Services
5 in crafting these rule changes. We also notified
6 potentially affected parties such as the Oklahoma Fire
7 Marshal's Association, Oklahoma Department of
8 Transportation, Oklahoma Forest Service, and the Oklahoma
9 Department of Wildlife Conservation, Fish and Wildlife,
10 the Oklahoma Homebuilder -- and the Oklahoma Homebuilders
11 Association that we were making these changes to our open
12 burning rules and accepting comments.

13 Notice of the proposed changes was published in the
14 Oklahoma Register on September 3rd, 2019. The notice
15 requested written comments from the public and other
16 interested parties. The only written comments we have
17 received, as of today, were from the Environmental
18 Protection Agency. We have accepted most of EPA's
19 proposed language changes. In your folder, you have a
20 copy of EPA's comments as well as our responses. Staff
21 requests that the council recommend the proposed changes
22 to Subchapter 13 as found in your folder, and the changes
23 read into the record today, to the Environmental Quality
24 Board for adoption as permanent rules.

25 Any changes -- any questions?

Page 24

1 question? Have you looked -- I suppose you have -- at
2 other states that might have marijuana laws and what
3 their open burning is?

4 MR. LEON ASHFORD: Not specifically for open
5 burning. I know that Colorado greatly -- well, the --
6 actually, the open burning statute also says that DEQ can
7 recommend ways of disposal, which open burning is just
8 one possible one.

9 Colorado, I think their recommended method is to
10 grind up the waste and mix it up with mulch, or something
11 like that, to where it's diluted such that you could just
12 use it as a mulch or -- or whatever. So some way of
13 making it to where no one is going to be trying to use
14 it.

15 DR. ROBERT DELANO: Okay. Thank you.

16 MR. LEON ASHFORD: You're welcome.

17 Any other questions?

18 MR. JIM HAUGHT: I've got a couple of
19 questions, Leon, and comments. One, is I'm somewhat
20 concerned about people being able to identify -- and I
21 know you said you're going to look for ways to do this.
22 But the MSA, and the way this is defined, I mean, the
23 average person is going to be -- maybe looking at the
24 open burning rules and requirements. That's a pretty
25 good burden to have to go back to the last -- to the last

Page 23

1 MADAM CHAIR LAURA LODES: Okay. Leon, I have a
2 couple.

3 MR. LEON ASHFORD: Yes.

4 MADAM CHAIR LAURA LODES: So from the -- what
5 we got in our folder today --

6 MR. LEON ASHFORD: Yes.

7 MADAM CHAIR LAURA LODES: -- there's only two
8 changes that need to be made, correct --

9 MR. LEON ASHFORD: Yes.

10 MADAM CHAIR LAURA LODES: -- or was there
11 three?

12 MR. LEON ASHFORD: Yes. Two changes.

13 MADAM CHAIR LAURA LODES: Just the two. Okay.
14 So that was adding the little (a) in front of it on
15 13-8(a)?

16 MR. LEON ASHFORD: Yes.

17 MADAM CHAIR LAURA LODES: Okay. And then it
18 was correcting the AOC to OAC?

19 MR. LEON ASHFORD: OAC, that's correct.

20 MADAM CHAIR LAURA LODES: I wanted to make sure
21 I caught all of that with the back and forth. Thank you.

22 MR. LEON ASHFORD: You're welcome.

23 MS. BEVERLY BOTCHLET-SMITH: Do we have other
24 questions from the council?

25 DR. ROBERT DELANO: Yes. Could I ask a

Page 25

1 federal census thing, looking for populations and do
2 that. So I -- that -- that somewhat concerns me that we
3 make that available more so than just a link in the -- in
4 the copy of the regulation that's on the -- that may be
5 online.

6 But, you know, maybe somewhere on the webpage, DEQ
7 webpage or -- but pretty readily accessible that that
8 be -- for other reasons, not just for this. But MSAs are
9 a trigger for other things, too, and so I -- I'd like to
10 make that as accessible as we can.

11 The other relates to at the very end of the -- of
12 this, 252 on 13-9(6) the Department was adding, couple of
13 questions here. And when you did the description, you
14 talked about this was meant to apply to transporting or
15 waste materials that could be burned but they were
16 transported and for medical marijuana waste.

17 MR. LEON ASHFORD: Yes.

18 MR. JIM HAUGHT: But this says commercial
19 waste. So what you said the intent was doesn't match up
20 with this, and I don't see a definition for "commercial
21 waste." So if we intend to have that apply to medical
22 marijuana waste, it's -- is there an overarching
23 definition of "commercial waste" or somewhere that gets
24 to that intent of staff?

25 MS. MELANIE FOSTER: You want to take this?

Page 26

1 MR. LEON ASHFORD: Yes.
2 MS. MELANIE FOSTER: Okay.
3 MR. LEON ASHFORD: We do have a definition from
4 our Land Protection people here, and the definition is
5 "commercial waste" means those solid wastes as defined by
6 27 0 -- 27A O.S. Section 2-10-13(20) that are generated
7 or received from commercial businesses or operations.
8 MS. MELANIE FOSTER: So this is Melanie Foster.
9 Jim, one, we do have that possible definition. But
10 if we want to go forward with a definition, we would
11 probably ask you to hold this over to another council
12 meeting to January, just so we can make sure that we get
13 the definition right because this was something we were
14 working on just yesterday.
15 But we also could look at some language. Leon, you
16 have some additional language that wouldn't put a
17 definition in the rule, but might flip the -- the
18 terminology so that it might be more clear that opening
19 burn of waste, from commercial operations, shall be
20 conducted at least 500 feet. So, therefore, it kind
21 of -- I think most people know what commercial operations
22 are, that it's a for-profit type. And then you're not
23 getting into this, "Are we stepping on solid waste
24 definitions? and things like that. Would that satisfy
25 your concerns?"

Page 28

1 MADAM CHAIR LAURA LODES: No. We don't say
2 anything about transport in 13-9.
3 MS. MELANIE FOSTER: No.
4 MADAM CHAIR LAURA LODES: So if the intent is
5 about stuff that's transported, should we say "open
6 burning of waste that's transported shall be conducted at
7 least 500 feet"?
8 MS. MELANIE FOSTER: I think what we were
9 attempting to get at was just that we think commercial
10 waste, the transportation, may end up in a bigger
11 abundance or maybe more that's brought together in one
12 area, and so that was more of a concern. So it's not
13 that we want to just limit it to transported material.
14 If there's any commercial operation where somebody were
15 to do -- such as the marijuana growers, they may not
16 transport it, but they may be considered a commercial
17 operation and then they have a big pile that's nearby
18 something else, we don't want that to be a nuisance
19 either.
20 MADAM CHAIR LAURA LODES: Okay. So your
21 average developer, who's clearing a neighborhood, he's
22 not limited to the 500 feet from a nearby operation,
23 right? Because that's under land clearing, and is that
24 commercial?
25 MS. MELANIE FOSTER: So under land clearing

Page 27

1 MR. JIM HAUGHT: I think I understand, you
2 know, the intent. It's just kind of the common
3 understanding of what commercial waste might be. But in
4 these regulations, somebody could put quotes around that
5 and -- and do -- so I don't know if it's a big deal, if
6 it's something that other council members or other people
7 might have a concern with. I just was flipping back --
8 flipped back. When I read it, I flipped back through to
9 see what that definition was and it wasn't there, and
10 then to make sure what it covers. And what -- what it
11 sounds like, I guess so that the -- the transported
12 material, you said, was part of the intent of this --
13 MR. LEON ASHFORD: Yes.
14 MR. JIM HAUGHT: -- would be considered a
15 commercial waste, that -- those wood products.
16 MS. MELANIE FOSTER: Oftentimes what we're
17 thinking is going to be transported will be something
18 from a commercial operation. If you're doing land
19 clearing, the change in the statute only applies to land
20 clearing, yard brush or clean wood waste. And we assume
21 that most of the time when those are being done, and you
22 want to move it, it's probably going to be from a
23 commercial business. A normal landowner that's doing
24 their own land clearing isn't going to likely transport
25 it somewhere else.

Page 29

1 there's already a 500 foot.
2 MADAM CHAIR LAURA LODES: Okay.
3 MS. MELANIE FOSTER: So if you'll turn there
4 in --
5 MADAM CHAIR LAURA LODES: So under land
6 management and land clearing?
7 MS. MELANIE FOSTER: Yes, 13-7 or --
8 MADAM CHAIR LAURA LODES: Okay. I see the
9 500 feet there.
10 MS. MELANIE FOSTER: Yes. So we were trying to
11 essentially mimic that type language --
12 MADAM CHAIR LAURA LODES: Okay.
13 MS. MELANIE FOSTER: -- over here in six.
14 MADAM CHAIR LAURA LODES: So should it say
15 "opening burning of waste generated for -- generated --
16 MS. MELANIE FOSTER: From commercial
17 operations.
18 MADAM CHAIR LAURA LODES: -- from commercial
19 operations shall be conducted at least 500 feet"?
20 MS. MELANIE FOSTER: We are perfectly happy
21 with that change if that helps people, you know, not feel
22 like it has to have a definition but has a
23 generally-accepted common connotation.
24 MR. JEFFREY TAYLOR: Would it be upwind or
25 downwind? The reason why, because I'm a farmer and we

Page 30

1 will -- the burning of our wheat fields and we burn from
2 our grassland or whatever.
3 MS. MELANIE FOSTER: So, Jim, did you have this
4 concern, as well?
5 MR. JIM HAUGHT: Yes.
6 MS. MELANIE FOSTER: So that would be something
7 we could just remove the "upwind" reference, as well.
8 And it can just say "open burning from commercial
9 operation -- open burning of waste from commercial
10 operations shall be conducted at least 500 feet from any
11 occupied structure," other than that those, et cetera,
12 Et cetera, so that you wouldn't concerned about are we
13 prohibiting somehow the downwind side by saying upwind.
14 MR. JIM HAUGHT: That change would negate the
15 need for my next question.
16 MS. MELANIE FOSTER: Okay.
17 (Laughter.)
18 MADAM CHAIR LAURA LODES: I guess that was a
19 good question. Is it -- if you're clearing, burning a
20 field, that's not really waste from a commercial
21 operation, right?
22 MR. JEFFREY TAYLOR: Right.
23 MADAM CHAIR LAURA LODES: Because that's just
24 wheat, so that's more land clearing. That goes back over
25 to more of the land clear/land management section.

Page 32

1 address the waste?
2 MR. LEON ASHFORD: Do you -- are you saying
3 when we have a declared disaster or a declared disaster
4 area?
5 MR. GARRY KEELE: Well, say a tornado that
6 generates a lot of waste, yeah.
7 MR. LEON ASHFORD: That falls under being
8 declared a disaster area, and there's a lot of different
9 rules that that comes under.
10 MR. GARRY KEELE: So it basically doesn't fall
11 under this rule whenever -- because it doesn't seem to
12 fit anywhere in here real well.
13 MS. MELANIE FOSTER: So there is -- it's not
14 part of your rule package, because we didn't open it.
15 But 13-10, disaster relief, and it states not
16 withstanding the prohibition in 13-5, the Executive
17 Director of DEQ may allow the open burning of debris
18 resulting from a disaster if the Executive Director
19 determines such burning is necessary to protect public
20 health and safety.
21 MR. GARRY KEELE: Thanks. I don't have 10 on
22 here, so --
23 MS. MELANIE FOSTER: Yeah.
24 MR. GARRY KEELE: -- thank you.
25 MS. MELANIE FOSTER: Yes.

Page 31

1 MS. MELANIE FOSTER: Yes. That would probably
2 actually be more under land management and probably
3 wouldn't --
4 MADAM CHAIR LAURA LODES: Because, yeah,
5 that says --
6 (Multiple speakers.)
7 MADAM CHAIR LAURA LODES: -- fire is purposely
8 set to forest, crop, or range lands. So I think you're
9 over in that piece, which goes back to having the 500
10 feet upwind.
11 MS. CHERYL BRADLEY: The 500 feet upwind does
12 not apply to land management activities.
13 MADAM CHAIR LAURA LODES: It's --
14 MS. CHERYL BRADLEY: For land clearing
15 activities.
16 MADAM CHAIR LAURA LODES: So yeah, okay.
17 (Multiple speakers.)
18 MADAM CHAIR LAURA LODES: I see what you're
19 saying. Fires purposely set for land clearing operations
20 conducted at least 500 feet upwind. Okay. I see what
21 we're talking about there.
22 MR. GARRY KEELE: I have a general question.
23 In situations where we've had natural catastrophes where
24 a lot of waste is created, does that fall under land
25 clearing, or if -- if we're going to use incineration to

Page 33

1 MS. BEVERLY BOTCHLET-SMITH: Other questions
2 from the council?
3 (No Response.)
4 MS. BEVERLY BOTCHLET-SMITH: I haven't received
5 notice of anyone in the public wishing to comment or ask
6 a question about this rule. But anyone have any
7 questions or comments?
8 (No response.)
9 MS. BEVERLY BOTCHLET-SMITH: Hearing none, it's
10 back to the council.
11 MADAM CHAIR LAURA LODES: Do we have any
12 further discussion from the council?
13 MR. JIM HAUGHT: And I would just like to see
14 that upwind reference come -- come out of this. I mean,
15 the way this is written in this matter, anybody that
16 burns crosswind -- crosswind burning isn't allowed, and
17 anybody -- the wind, like today, is from the north
18 blowing towards the south, anybody who's south of the
19 northernmost occupied structure in the state can't burn
20 the way this is written.
21 And I realize it's been in there and hasn't been an
22 issue. But it says you have to be downwind of any
23 occupied structure, not just a near occupied structure.
24 So the intent is, is that you not impact downwind people
25 and people within 500 feet. So I think removing that

Page 34

1 upwind reference is something I'd like to see.
2 MADAM CHAIR LAURA LODES: Okay. And then the
3 other -- so before I state what we've been asked to do
4 here, it looks like we've got two changes, the 13-8 where
5 we're going to add the (a) -- the little (a) before (1);
6 we're going to correct AOC to OAC. Then in (6), we're
7 going to do open burning of waste generated from
8 commercial operations shall be conducted at least
9 500 feet from any occupied structure; is that what you're
10 wanting there, Jim?
11 MR. JIM HAUGHT: Yes. There's also another
12 instance in this rule.
13 MADAM CHAIR LAURA LODES: The other place I saw
14 the upwind is in the land clearing, which is not a
15 section we necessarily have open.
16 MS. MELANIE FOSTER: It is.
17 MADAM CHAIR LAURA LODES: Well, it's all open.
18 MS. MELANIE FOSTER: Uh-huh.
19 MADAM CHAIR LAURA LODES: It's all open. So do
20 we want to strike it there in the land clearing, as well?
21 MR. JIM HAUGHT: Yes, I -- that would be my
22 preference.
23 MADAM CHAIR LAURA LODES: Okay.
24 MR. GERALD BUTCHER: Would you go over those
25 again?

Page 36

1 to -- (b), we're going to change AOC to OAC 252:100-13.
2 And OAC 252:100-13-9(6), this will now read "Open
3 burning of waste generated from commercial operations
4 shall be conducted at least 500 feet from any occupied
5 structure other than those located on the property on
6 which the burning is conducted."
7 MS. MELANIE FOSTER: And it will have to be
8 from the version in the packet.
9 MADAM CHAIR LAURA LODES: It has to be from the
10 version in the packet, because that includes the
11 corrections from the EPA.
12 Now, my understanding is -- and I'll read -- and,
13 Madison, correct me if I'm wrong. I can restate this in
14 a second and ask for a motion. Instead of one of them
15 attempting to restate it again, they can just say "so
16 moved?"
17 MS. MADISON MILLER: Yeah, I agree. They can.
18 MADAM CHAIR LAURA LODES: Okay. That way we're
19 not going to have another flubbed one.
20 (Laughter.)
21 MADAM CHAIR LAURA LODES: Okay. Gentlemen, to
22 make this as simple as I can for what is not simple:
23 Based on the revisions proposed in the packet today,
24 which includes that they vary from the public notice
25 version, because we include the revisions proposed by EPA

Page 35

1 MADAM CHAIR LAURA LODES: Yes. I'm going to
2 try to restate all of these again and then y'all get to
3 make a motion for me.
4 And, Melanie, we don't have an issue with that in
5 that one section because we didn't public notice any
6 changes to it, right? Madison?
7 MS. MELANIE FOSTER: We think it's okay because
8 that section was opened --
9 MADAM CHAIR LAURA LODES: Okay.
10 MS. MELANIE FOSTER: -- and there were other
11 changes in that paragraph. So people that were
12 interested in that should --
13 MADAM CHAIR LAURA LODES: Okay.
14 MS. MELANIE FOSTER: -- should be able to avail
15 themselves of being here.
16 MADAM CHAIR LAURA LODES: So we have a
17 replacement set of rules here in our packet. The first
18 change that we have is in OAC 252:100-13-7(4)(b), fires
19 purposely set for land clearing operations if conducted
20 at least 500 feet from any occupied structure -- or any
21 occupied residence. So we're going to strike the words
22 "upwind" and "of" and replace them with "from."
23 Then in OAC 252:100-13-8(a), the last sentence is
24 going to say "except as provided in OAC
25 252:100-13-8(a)(1)." Then in 252:100-13-8.1, we're going

Page 37

1 that are presented here by Mr. Ashford.
2 We are going to also make additional changes to this
3 version, and those are the versions, as discussed a
4 moment ago, to OAC 252:100-13-7(4)(b). We will strike
5 the word "upwind" and "of" and replace them with the word
6 "from."
7 OAC 252:100-13(8)(a) is now going to read "except as
8 provided in OAC 252:100-13-8(a)(1)." For OAC
9 252:100-13-8.1(b) will read "except in accordance with
10 OAC 252."
11 Then for OAC 252:100-13-9(6) will now read "open
12 burning of waste generated from commercial operations
13 shall be conducted at least 500 feet from any occupied
14 structure."
15 Staff has recommended that we propose this rule as
16 final, we pass this rule as final. Do I have a motion?
17 MR. JEFFREY TAYLOR: So moved. I'm not
18 repeating it.
19 (Laughter.)
20 MADAM CHAIR LAURA LODES: Do I have a second?
21 MR. GERALD BUTCHER: Second.
22 MADAM CHAIR LAURA LODES: I have a motion and a
23 second. Please call roll.
24 MS. QUIANA FIELDS: Mr. Butcher.
25 MR. GERALD BUTCHER: Yes.

Page 38

1 MS. QUIANA FIELDS: Mr. Collins.
2 MR. GARY COLLINS: Yes.
3 MS. QUIANA FIELDS: Dr. Delano.
4 DR. ROBERT DELANO: Yes.
5 MS. QUIANA FIELDS: Mr. Elliott.
6 MR. GREGORY ELLIOTT: Yes.
7 MS. QUIANA FIELDS: Mr. Haught.
8 MR. JIM HAUGHT: Yes.
9 MS. QUIANA FIELDS: Mr. Keele.
10 MR. GARRY KEELE: Yes.
11 MS. QUIANA FIELDS: Mr. Taylor.
12 MR. JEFFREY TAYLOR: Yes.
13 MS. QUIANA FIELDS: Ms. Lodes.
14 MS. LAURA LODES: Yes.
15 MS. QUIANA FIELDS: Motion passed.
16 MS. BEVERLY BOTCHLET-SMITH: And that concludes
17 the hearing portion of today's meeting.
18 (Hearing portion concluded at 9:45 a.m.)
19 * * * * *
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24
25

Page 39

CERTIFICATION

1
2 I, Jennifer Payne Kaelin, a Certified Shorthand
3 Reporter within and for the State of Oklahoma, do hereby
4 certify that I was present at the Air Quality Advisory
5 Council Meeting had October 16, 2019; that I recorded in
6 stenotype notes all of said proceedings; and that I
7 thereafter transcribed my notes so taken and reduced same
8 to typewritten form; and that foregoing transcript of
9 proceedings is full, true, correct and complete, to the
10 best of my skill and ability, along with corrections made
11 by the Department of Environmental Quality's staff.
12 I further certify that I am not an attorney for nor
13 relative of any of said parties or otherwise interested
14 in the outcome or event of said action.
15
16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my official seal this 18th day of October,
18 2019.
19
20
21 *Jennifer Payne Kaelin, CSR*
22 Jennifer Payne Kaelin, CSR#1748
23 Official Court Reporter
24
25



AIR QUALITY ADVISORY COUNCIL

Attendance Record
October 16, 2019
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Nancy Pearce	DEQ-AQD-R&P
MELANIE FOSTER	DEQ AQD
Jim Haught	AQC
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Hanna Bentley	ONEOK
Kenny Ellette	ONEOK
Greg Elliker	AQC
Gary Cousins	AQC - CF INDUSTRIES
Quiana Fields	DEQ
Jonathan Truog	DEQ
Cooper Karbe	AQD
Gerald Brecher	WFEC
Kathy Koon	WFEC
Carrie Schroeder	DEQ-AQD
Jeremy Jewell	Trinity Consultants
Christina Hagans	DEQ-AQD
Alea Smith	alea.smith@tetratech.com



AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 16, 2019

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Madison Miller ODEQ

Kent Stafford DEQ

Jaron Hill TAPSTONE

Kathy Aulisio DEQ

Camus Fry ODEQ

Michael Grosznow DEQ

Brad Fleming DEQ

JOSE BLANCO DEQ

Brooks Kirlin DEQ

Dara Schultz DEQ

Antisha Hicks DEQ

Curt Goeller DEQ

Siv Sundaram ODOT

Steven Gauthier ODOT

Patrick Love ODOT

Alex Peta ODOT

Heather Lerch DEQ

Clifford Hyk DEQ

Brian McQuinn OGE

Bud Ground EFD

Bryan Sims DEQ

Kenny Ward citizen

Jeff Taylor ODEQ

Mike Smith Devon

Michael Ketchum ODEQ

Grant Loney ODEQ



AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 16, 2019

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Paul Fielder DEQ
Candace McInnis OPMCA

Bob Delano

LSU Grechu Tinker AFB

Rachel Langdon Tinker AFB

Devon Westbrook ACOG

Richard McDonald DEQ

Justin Soderberg WFEC

Laura Finley WFEC

Ken Green HSG

Eric Pollard ACOG

Mike Hagan O&E

Brian McInnis O&E

Nancy Galan INCOG

KEN RUFFIN AEP

Jeremy Fincher Soc and Formation