

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Incinerators

Part 9. Commercial and industrial solid waste incineration units

252:100-17-60. [AMENDED]

252:100-17-62. [AMENDED]

252:100-17-63. [AMENDED]

252:100-17-74. [AMENDED]

SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to amend Oklahoma Administrative Code (OAC) 252:100-17, Incinerators, to clarify the applicability of Part 9, Commercial and industrial solid waste incineration units (CISWI), to existing air curtain incinerators and to modify the State 111(d)/129 plan for CISWI. The gist of the proposed rulemaking is to update the rule and state plan in accordance with recent changes to the federal emission guidelines.

AUTHORITY:

Environmental Quality Board; 27A Okla. Stat. (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 December 2, 2019, through January 6, 2020. Oral comments may be made at the January 15, 2020 hearing (or on the alternate date of January 22, 2020 in the event of inclement weather) and at the February 21, 2020 Environmental Quality Board hearing.

PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 15, 2020, at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102. In case of inclement weather, an alternate date is scheduled for Wednesday, January 22, 2020 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 15, 2020 is canceled, notice announcing the hearing cancellation will be posted on the DEQ web site (<https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjQ=>) 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 canceled.

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, February 21, 2020, at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

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); to the CISWI State Plan under the requirements of the federal Clean Air Act, Sections 111(d) and 129, 40 CFR Part 60, Subparts B and DDDD, and 27A O.S. Section 2-5-107; 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 DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjQ=>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after December 2, 2019, on the DEQ Air Quality Division website at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjQ=>. 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.