

**MINUTES**  
**AIR QUALITY ADVISORY COUNCIL**  
**January 15, 2020**  
**Department of Environmental Quality**  
**Oklahoma City, Oklahoma**

Official AQAC Approved  
at June 17, 2020 virtual meeting

**Notice of Public Meeting** – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on January 15, 2020, 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 16, 2019. 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 II  
Jeffrey Taylor  
Laura Lodes

**MEMBERS ABSENT**

Steve Landers

**DEQ STAFF PRESENT**

Eddie Terrill  
Beverly Botchlet-Smith  
Leon Ashford  
Michelle Wynn  
Madison Miller  
Brooks Kirlin  
Kent Stafford  
Nancy Pearce  
Quiana Fields  
Lee Warden  
Phillip Fielder  
Tom Richardson  
Malcolm Zachariah  
Jose Blanco  
Jonathan Truong

**Cecelia Kleman**

Shelby Willeby  
Carrie Shroeder  
Michael Ketcham  
Grant Loney  
Dara Schultz  
Bryan Sims  
Curt Goeller  
Christina Hagens  
Heather Lerch  
Camas Frey  
Cheryl Bradley  
Cooper Garbe  
Melanie Foster  
Rick Groshong

**OTHERS PRESENT**

Brenda Plumbtree, Court Reporter

**Approval of Minutes** – Ms. Lodes called for a motion to approve the Minutes of the October 16, 2019 Regular Meeting. Mr. Butcher moved to approve and Mr. Taylor made the second.

*See transcript pages 4 – 5*

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

**Resolution for Mr. Haught** – Ms. Lodes read the resolution for Mr. Haught.

*See transcript pages 5 – 6*

**Election of Officers** – Mr. Taylor nominated Ms. Lodes to remain as Chair. Mr. Elliott made the second.

	<i>See transcript pages 6 – 7</i>			
Gerald Butcher	Yes	Jim Haught	Yes	
Gary Collins	Yes	Garry Keele II	Yes	
Robert Delano	Yes	Jeffrey Taylor	Yes	
Gregory Elliott	Yes	Laura Lodes	Yes	

Mr. Butcher nominated Mr. Collins to remain as Vice-Chair. Mr. Taylor made the second.

	<i>See transcript pages 7 – 8</i>			
Gerald Butcher	Yes	Jim Haught	Yes	
Gary Collins	Yes	Garry Keele II	Yes	
Robert Delano	Yes	Jeffrey Taylor	Yes	
Gregory Elliott	Yes	Laura Lodes	Yes	

## **Chapter 100. Air Pollution Control**

### **OAC 252:100-17. 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]**

Ms. Melanie Foster, Manager, Rules & Planning Section of the Air Quality Division (AQD), stated the Department is proposing to amend 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 emissions guidelines. Following discussion by the Council and none by the public, Ms. Lodes called for a motion. Mr. Butcher moved to approve and Mr. Taylor made the second. Ms. Madison Miller, Environmental Attorney, advised Mr. Butcher to make the motion more specific and to amend his motion. Mr. Butcher made a motion to amend his motion previously, that the Council approves the rule as it is presented at the January 15, 2020 Council meeting and in the folder. Mr. Delano made the second.

	<i>See transcript pages 10 – 19</i>			
Gerald Butcher	Yes	Jim Haught	Yes	
Gary Collins	Yes	Garry Keele II	Yes	
Robert Delano	Yes	Jeffrey Taylor	Yes	
Gregory Elliott	Yes	Laura Lodes	Yes	

**Budget Resolution Draft** – Ms. Foster stated that at the Council’s request the staff is presenting a budget resolution for the Council to affirm and bring to the 2020 legislature. Following discussion by the Council and none by the public, Ms. Lodes called for a motion to pass the resolution. Mr. Elliott made a motion to pass the resolution as presented at the January 15, 2020 Council meeting. Mr. Taylor made the second.

	<i>See transcript pages 19 – 26</i>			
Gerald Butcher	Yes	Jim Haught	Yes	
Gary Collins	Yes	Garry Keele II	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 26*

**Presentation** – Ms. Foster gave a presentation on State Implementation Plan (SIP) update.

**Presentation** – Mr. Cooper Garbe, EPS, Rules & Planning Section of the AQD, gave a presentation on Regional Haze update.

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

**New Business** – None

**Adjournment** – Ms. Lodes called for a motion to adjourn. Mr. Taylor moved to adjourn and Mr. Butcher made the second.

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

The next scheduled Regular Meeting is on Wednesday, May 13, 2020 in Owasso, Oklahoma. Meeting adjourned at 10:15 a.m.

**Public Forum** – Ms. Nancy Moran spoke on Air Pollution.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY ADVISORY COUNCIL

JANUARY 15th, 2020 at 9:00 A.M.

DEQ BUILDING  
707 NORTH ROBINSON, 1ST FLOOR  
MULTI-PURPOSE ROOM  
OKLAHOMA CITY, OKLAHOMA 73012

REPORTED BY: BRENDA PLUMBTREE, CSR

Page 2

1 COUNCIL MEMBERS PRESENT  
2 Ms. Laura Lodes - Chair  
Mr. Gary Collins - Vice Chair  
3 Dr. Delano  
Mr. Gerald Butcher  
4 Mr. Gregory Elliott  
Mr. Jim Haught  
5 Mr. Garry Keele II  
Mr. Jeffrey Taylor  
6  
OTHERS PRESENT  
7  
Mr. Eddie Terrill  
8 Ms. Quiana Fields  
Ms. Beverly Botchlet-Smith  
9 Ms. Michelle Wynn  
Ms. Madison Miller  
10 Ms. Melanie Foster  
11 ABSENT COUNCIL MEMBERS  
12 Mr. Steve Landers  
13  
14  
15  
16 REPORTED BY: BRENDA PLUMBTREE, CSR  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 3

1 MS. LODES: Hello everyone. I'd like to  
2 call today's meeting of the Air Quality Advisory  
3 Council to order. Quiana, would you please call  
4 roll?  
5 MS. FIELDS: Mr. Butcher.  
6 MR. BUTCHER: Here.  
7 MS. FIELDS: Mr. Collins.  
8 MR. COLLINS: Here.  
9 MS. FIELDS: Dr. Delano.  
10 DR. DELANO: Here.  
11 MS. FIELDS: Mr. Elliott.  
12 MR. ELLIOTT: Here.  
13 MS. FIELDS: Mr. Haught.  
14 MR. HAUGHT: Here.  
15 MS. FIELDS: Mr. Keele.  
16 Mr. KEELE: Here.  
17 MS. FIELDS: Mr. Landers is absent.  
18 Mr. Taylor.  
19 MR. TAYLOR: Here.  
20 MS. FIELDS: Ms. Lodes.  
21 MS. LODES: Here.  
22 MS. FIELDS: We have a quorum.  
23 MS. LODES: Thank you. The next item on  
24 today's agenda is approval of the minutes from the  
25 October 16, 2019 regular meeting. Do we have any

Page 4

1 comments or questions on the minutes? Hearing none,  
2 do I have a motion to approve the minutes?  
3 MR. BUTCHER: I'll make the motion to  
4 approve the minutes.  
5 MS. LODES: I have a motion, do I have a  
6 second?  
7 MR. TAYLOR: Second.  
8 MS. LODES: I have a motion and a second.  
9 Would you please call roll.  
10 MS. FIELDS: Mr. Butcher.  
11 MR. BUTCHER: Yes.  
12 MS. FIELDS: Mr. Collins.  
13 MR. COLLINS: Yes.  
14 MS. FIELDS: Dr. Delano.  
15 DR. DELANO: Yes.  
16 MS. FIELDS: Mr. Elliott.  
17 MR. ELLIOTT: Yes.  
18 MS. FIELDS: Mr. Haught.  
19 MR. HAUGHT: Yes.  
20 MS. FIELDS: Mr. Keele.  
21 Mr. KEELE: Yes.  
22 MS. FIELDS: Mr. Taylor.  
23 MR. TAYLOR: Yes.  
24 MS. FIELDS: Ms. Lodes.  
25 MS. LODES: Yes.

Page 5

1 MS. FIELDS: Motion passed.  
2 MS. LODES: The next item on today's agenda  
3 is, the resolution for Mr. Haught.  
4 Jim Haught was appointed to the Air -- Oklahoma  
5 Air Quality Advisory Council in 2007. Jim Haught  
6 was a dedicated member of the Air Quality Advisory  
7 Council and he's played an active role in the  
8 development, the rules, regulations that were passed  
9 by the Air Quality Advisory Council to promote clean  
10 air in Oklahoma.  
11 And whereas during his tenure as a member of the  
12 council this body has met the legislative charter to  
13 obtain and preserve clean air in Oklahoma. Now,  
14 therefore, be it resolved that the members of the  
15 Oklahoma Air Quality Advisory Council recognize and  
16 thank Jim Haught for his years of service toward  
17 making Oklahoma a better place to live (inaudible)  
18 making a motion on it?  
19 MR. TERRILL: No, this is just a  
20 recognition of Jim's service. Can't do justice, but  
21 it's best we can do.  
22 MS. LODES: Do y'all need a copy of it?  
23 MR. TERRILL: No, that's for him.  
24 MS. LODES: I know, thank you.  
25 MR. HAUGHT: Last one.

Page 6

1 MS. LODES: I know, I can't believe you're  
2 leaving us.  
3 MR. HAUGHT: I'll still show up some, I  
4 just won't be on this side of the table.  
5 MS. LODES: You are welcome to attend.  
6 (Council claps)  
7 MS. LODES: I'd like to thank Jim for his  
8 many years of service now. It's been 12, right?  
9 Yeah, it's been a long time.  
10 MR. HAUGHT: And a lot of memories.  
11 MS. LODES: There has been, that's for  
12 sure.  
13 Okay. The next item on today's agenda is the  
14 election of officers. So we need a chair and a vice  
15 chair, gentleman.  
16 MR. TAYLOR: I'd like to nominate Laura  
17 Lodes for Chair.  
18 MR. ELLIOTT: I second that.  
19 MS. LODES: What about a vice chair? I  
20 guess we'll vote on the first one.  
21 (Inaudible)  
22 MS. FIELDS: Mr. Butcher.  
23 MR. BUTCHER: Yes.  
24 MS. FIELDS: Mr. Collins.  
25 MR. COLLINS: Yes.

Page 8

1 We have a motion and a second. Will you please  
2 call roll?  
3 MS. FIELDS: Mr. Butcher.  
4 MR. BUTCHER: Yes.  
5 MS. FIELDS: Mr. Collins.  
6 MR. COLLINS: How do I vote on this?  
7 MR. HAUGHT: You abstain.  
8 MR. COLLINS: I abstain.  
9 MS. FIELDS: Dr. Delano.  
10 DR. DELANO: Yes.  
11 MS. FIELDS: Mr. Elliott.  
12 MR. ELLIOTT: Yes.  
13 MS. FIELDS: Mr. Haught.  
14 MR. HAUGHT: Yes.  
15 MS. FIELDS: Mr. Keele.  
16 Mr. KEELE: Yes.  
17 MS. FIELDS: Mr. Taylor.  
18 MR. TAYLOR: Yes.  
19 MS. FIELDS: Ms. Lodes.  
20 MS. LODES: Yes.  
21 MS. FIELDS: Motion passed.  
22 MS. LODES: Well, thank you, Gary, you get  
23 to do this again with me.  
24 Okay. We will now enter the public rulemaking  
25 portion of our hearing.

Page 7

1 MS. FIELDS: Dr. Delano.  
2 DR. DELANO: Yes.  
3 MS. FIELDS: Mr. Elliott.  
4 MR. ELLIOTT: Yes.  
5 MS. FIELDS: Mr. Haught.  
6 MR. HAUGHT: Yes.  
7 MS. FIELDS: Mr. Keele.  
8 Mr. KEELE: Yes.  
9 MS. FIELDS: Mr. Taylor.  
10 MR. TAYLOR: Yes.  
11 MS. FIELDS: Ms. Lodes.  
12 MS. LODES: I'll abstain.  
13 MS. FIELDS: Motion passed.  
14 MS. LODES: Well, thank you, gentlemen.  
15 Now, we need a vice chair. On the off chance I like  
16 get sick and don't make it to something. Jim's out,  
17 so it's one of you gentleman who is going to be our  
18 vice chair.  
19 MR. BUTCHER: Will you?  
20 MR. COLLINS: I obviously will, but --  
21 MR. TAYLOR: I'll second that.  
22 MS. LODES: Okay. We have a motion and  
23 second.  
24 MS. FIELDS: Who motioned, I didn't hear?  
25 MS. LODES: Gerald made the motion.

Page 9

1 MS. BOTCHLET-SMITH: Good morning. I'm  
2 Beverly Botchlet-Smith, I'm the assistant director  
3 of the Air Quality Division. And as such I'll act  
4 as the protocol officer for today's hearing.  
5 The hearing will be convened by the Air Quality  
6 Council in compliance with the Oklahoma  
7 Administrative Procedures Act and Title 40 of the  
8 Code of Federal Regulations, Part 51, as well as  
9 authority of Title 27A of the Oklahoma Statutes,  
10 Section 2-2-201 and Sections 2-5-101 through  
11 2-5-117.  
12 Notice of the January 15th, 2020 hearing was  
13 advertised in the Oklahoma Register for the purpose  
14 of receiving comments pertaining to the proposed  
15 OAC Title 252, Chapter 100 rules as listed on the  
16 agenda and will be entered into each record along  
17 with the Oklahoma Register filing.  
18 Notice of the meeting was filed with the  
19 Secretary of State on October 16th, 2019. The  
20 agenda was dually posted 24 hours prior to the  
21 meeting at the DEQ.  
22 If you wish to make a statement, it's very  
23 important to complete the form at the registration  
24 table and you'll be called upon at the appropriate  
25 time. Audience members, please come to the podium

Page 10

1 for your comments and please state your name.  
2 At this time we'll proceed with what's marked as  
3 Agenda 6A on the hearing agenda item. This is  
4 Chapter 100 Air Pollution Control OAC 252:100-17  
5 Part 9, commercial and industrial solid waste  
6 incineration units. The presentation today will be  
7 given by Melanie Foster, who is manager of the Rules  
8 and Planning Section. Thank you.  
9 MS. FOSTER: Madame Chair, members of the  
10 Council, members of the public, my name is Melanie  
11 Foster. I'm the rules and planning section manager.  
12 And today I'm presenting proposed rule changes to  
13 OAC:252 Chapter 100, Subchapter 17, incinerators.  
14 Specifically the changes I'm proposing are to the  
15 Commercial and Industrial Solid Waste Incinerator  
16 rules, also known as "CISWI," in part 9 of  
17 subchapter 17. Before we get started on the  
18 specifics of the changes we are proposing, please  
19 refer to your folders. Inside your folder is a copy  
20 of a revised version of Subchapter 17 with  
21 additional changes from what was public noticed  
22 highlighted in yellow. I'll be referring to this  
23 version of Subchapter 17 in my presentation today.  
24 We believe these additional changes are a  
25 logical outgrowth of what was published in the

Page 12

1 curtain incinerators do not need to meet the  
2 definition of a 'CISWI unit' to be subject to the  
3 CISWI rule."  
4 To this end, EPA added terminology such "and air  
5 curtain incinerators" and "or ACI" behind the term  
6 "CISWI" in a number of places in Part 60,  
7 Subpart 4D. Because of EPA's changes, DEQ felt it  
8 was necessary to clarify these terms in its rule as  
9 well to ensure that it was clear that existing ACIs  
10 were subject to Subchapter 17.  
11 As you will see in 17-60(a) (1) and (a) (2) on the  
12 first page, we had added the terminology "or air  
13 curtain incinerator" behind "CISWI unit." We went  
14 on to add this terminology behind "CISWI unit" in  
15 17-60(b), (c) and (d). You will see these same  
16 additions in 17-62(a) and (b) on the top of Page 2,  
17 as well. We feel these changes are necessary to  
18 ensure the regulated community understands EPA's  
19 intention regarding of the regulation of ACIs under  
20 the CISWI Emission Guidelines and therefore DEQ's  
21 intention to follow the model rule's applicability.  
22 We made a few additional changes, as well. Back  
23 on Page 1 in 17-60(d) (2) (C) we corrected that the  
24 owner operator is who is responsible for submitting  
25 the control plan, clearly the CISWI unit itself

Page 11

1 notice and that the notice still apprised interested  
2 parties of the subject and issues to be discussed  
3 here today. So, therefore, I will still be asking  
4 you to vote to recommend the proposed revisions to  
5 the Environmental Quality Board for permanent  
6 adoption at the conclusion of my presentation.  
7 The changes to Supchapter 17 that you have  
8 before you are being proposed in response to recent  
9 changes in 40 CFR Part 60, Subpart DDDD, or 4D,  
10 which are the Emission Guidelines and Compliance  
11 Times for Commercial and Industrial Solid Waste  
12 Incineration Units.  
13 In the preamble of EPA's April 16th, 2019  
14 revision to Subpart 4D, EPA clarified that the CISWI  
15 emission guidelines applied to existing air curtain  
16 incinerators, or ACIs, located at commercial and  
17 industrial facilities. Specifically EPA stated  
18 that, and I quote, "EPA determined that ACIs located  
19 at commercial and industrial facilities are  
20 CISWI-affected sources that must be included in  
21 state plans and regulated consistent with the final  
22 CISWI standards applicable to such units."  
23 EPA went on to say that in the rule revision it  
24 was, "Clarifying the affected source status of ACIs  
25 by revising the regulations to make clear that 'air

Page 13

1 isn't submitting anything.  
2 And in the first paragraph of 17-63 on Page 2,  
3 we changed "CISWI" to "combustion" since the  
4 exemptions list different types of combustion or  
5 incineration units, not CISWI units. In 17-63, we  
6 also removed the current Number 8 for air curtain  
7 incinerators from the list of exemptions, as they  
8 are not considered by EPA to be an exempt category.  
9 We did leave 17-74, which more directly spells out  
10 the limited requirements that certain ACIs may be  
11 subject to under the CISWI Emission Guidelines.  
12 The changes that were made here in 17-74 are  
13 non-substantive since the applicable regulations are  
14 not actually changed. The revisions simply mirror  
15 EPA language.  
16 Concurrent with the proposed changes to  
17 Subchapter 17, AQD made revisions to its 111(d)/129  
18 State Plan for CISWIs. The plan was noticed  
19 concurrently with the rule revision and the meeting  
20 today also serves as a hearing for the Plan.  
21 A copy of the draft Plan was included in your  
22 folder and has been made available on our website  
23 since December 2nd, 2019. The Plan is updated with  
24 the recent EPA rule changes and includes a revised  
25 review of existing facilities within Oklahoma.

Page 14

1 Of the list of seven facilities in the original  
2 111(d)/129 plan from 2005, only one applicable unit  
3 still remains in operation. The affected facility  
4 is Henryetta Pallet and it operates an air curtain  
5 incinerator.  
6 Although I have not covered all the history of  
7 the CISWI rule changes here today, the CISWI rules  
8 have undergone many legal challenges and revisions  
9 since the original rule was promulgated in 1999 and  
10 since that first State Plan was submitted in 2005.  
11 Due to this protracted process, most of the  
12 timeframes in the State Plan have long been  
13 eclipsed. It is now more of a technicality to get  
14 to EPA this revised 111(d)/129 State Plan that  
15 reflects all the changes in 4D and the current list  
16 of affected facilities.  
17 Notice of the proposed rule change and the  
18 revised 111(d)/129 Plan was published in the  
19 Oklahoma Register on December 2, 2019. As of this  
20 morning, no comments were received on the rule or  
21 the Plan.  
22 DEQ requests the Council recommend  
23 Subchapter 17, as it was presented today with the  
24 changes found in your folder from what was  
25 originally published to the Environmental Quality

Page 16

1 that might change the meaning of that?  
2 MS. FOSTER: I don't think so. Council, do  
3 you all have any thoughts on that? You can  
4 certainly make that one in (d) (2).  
5 MR. HAUGHT: When I read them independently  
6 I came up with the same applicability.  
7 MS. FOSTER: Yeah, that's what I think,  
8 too.  
9 MR. HAUGHT: I just wanted to make sure  
10 that there wasn't a reason for that.  
11 MS. FOSTER: There was not on my part.  
12 MR. HAUGHT: All right. That answers my  
13 question then.  
14 MS. LODES: Is there -- there's a  
15 similar -- and in the one right above it.  
16 MS. FOSTER: In (d) (1)?  
17 MS. LODES: Uh-huh. I don't know that  
18 either makes a difference.  
19 MS. FOSTER: I think in the first part, you  
20 know, applicability is saying or to make sure that  
21 you knew that either one of them could be. But then  
22 when you're further down, I think you used and  
23 because it mirrored more EPA's language and it was  
24 to be inclusive that both could be changed and  
25 included, but -- again, maybe a difference without

Page 15

1 Board for adoption as permanent rules. No action is  
2 needed by the Council on the 111(d)/129 State Plan  
3 for CISWIs. The Plan will be finalized and sent to  
4 EPA if the Subchapter 17 changes pass the Council  
5 and the Environmental Quality Board. Thank you.  
6 MS. BOTCHLET-SMITH: Do we have any  
7 questions or discussion by the Council?  
8 MR. HAUGHT: I've got a quick question.  
9 And I think this is the business here. But at the  
10 top is 17-60(a)(1) about the applicability. Says  
11 any CISWI unit or air curtain incinerator for which  
12 construction commenced on or before. And if you  
13 drop down to (b) or (c) (2) --  
14 MS. FOSTER: (d) (2)?  
15 MR. HAUGHT: Yeah, (d) (2).  
16 MS. FOSTER: Okay.  
17 MR. HAUGHT: The term that's used there is  
18 CISWI unit and air curtain incinerators. Is there a  
19 reason that commenced construction after that same  
20 date? Any reason for the difference in those? And  
21 you can read them -- and I think the meaning is the  
22 same in both, but they're just not consistent.  
23 MS. FOSTER: Between the and and the or?  
24 MR. HAUGHT: Between the and and the or.  
25 So is there anything about that and being inclusive

Page 17

1 distinction.  
2 MR. HAUGHT: But they both don't have to be  
3 present in order to be applicable?  
4 MS. FOSTER: Right.  
5 MS. BOTCHLET-SMITH: Other questions from  
6 the Council? We haven't received notice of comment  
7 from the public. Is there anyone who wishes to  
8 comment on this rule? Seeing none, if there are  
9 other comments from the Council?  
10 MS. LODES: Any thoughts changing that and  
11 to an or, gentleman? Okay. The DEQ has recommended  
12 that we put this rule through for approval --  
13 MS. FOSTER: As it exists in the folder.  
14 MS. LODES: -- as it exists in the folder.  
15 MS. FOSTER: And was presented here today.  
16 MS. LODES: And as presented here today.  
17 So do we have a motion?  
18 MR. BUTCHER: I'll make that motion.  
19 MR. TAYLOR: I'll second.  
20 MS. MILLER: Can we make the motion a  
21 little bit more specific? Maybe saying that we move  
22 to approve the rule as in the folder and presented  
23 here today.  
24 MR. BUTCHER: I move.  
25 MS. MILLER: And amend your motion.



Page 18

1 MR. BUTCHER: Yeah, I do that. I move to  
2 make a motion --  
3 MS. LODES: Move to amend your motion.  
4 MR. BUTCHER: I need to amend it?  
5 MS. LODES: I think we have to act on the  
6 first one.  
7 MS. MILLER: If you want to be really to  
8 the T, you guys could go ahead and call for a vote  
9 and vote down the original motion and then we can  
10 make a new motion and just make it very clear.  
11 MS. LODES: Or is it okay if we just amend  
12 it?  
13 MS. MILLER: I think it's fine if you just  
14 amend it.  
15 MS. LODES: Okay. I'm going to say we can  
16 just amend it. It's not like there was a mistake in  
17 the motion, we just weren't clear on the motion.  
18 MR. BUTCHER: I make a motion to amend that  
19 motion and that we approve it as presented here  
20 today and in the folder.  
21 DR. DELANO: I'll second.  
22 MS. LODES: Okay. We have a motion and a  
23 second. Please call roll.  
24 MS. FIELDS: Mr. Butcher.  
25 MR. BUTCHER: Yes.

Page 20

1 2018 legislature. The budget resolution is also  
2 similar to what the Solid Waste Management Advisory  
3 Council annually signs and provides to the  
4 legislature.  
5 The resolution affirms the Council's support  
6 that fees collected by the Division be used for  
7 their intended purpose. Voting to finalize the  
8 resolution today will allow us to submit the budget  
9 resolution to the legislature for the 2020 session.  
10 In your packet you will find a copy of the  
11 budget resolution. This is identical to the  
12 resolution that was approved by the Council in  
13 October 2017 except for the update of Council  
14 members and dates. For members of the public, I  
15 will read the resolution in to the record.  
16 Resolution of the Air Quality Advisory Council.  
17 "Whereas, the Oklahoma Clean Air Act (27A O.S.  
18 2-5-107) gives the Air Quality Advisory Council the  
19 power and duty to recommend rules or amendments,  
20 thereto for the prevention, control and prohibition  
21 of air pollution and for the establishment of health  
22 and safety tolerances for discharge of air  
23 contaminants in the state; and  
24 Whereas, this Council is given the power and  
25 duty to recommend rules or amendments thereto for

Page 19

1 MS. FIELDS: Mr. Collins.  
2 MR. COLLINS: Yes.  
3 MS. FIELDS: Dr. Delano.  
4 DR. DELANO: Yes.  
5 MS. FIELDS: Mr. Elliott.  
6 MR. ELLIOTT: Yes.  
7 MS. FIELDS: Mr. Haught.  
8 MR. HAUGHT: Yes.  
9 MS. FIELDS: Mr. Keele.  
10 Mr. KEELE: Yes.  
11 MS. FIELDS: Mr. Taylor.  
12 MR. TAYLOR: Yes.  
13 MS. FIELDS: Ms. Lodes.  
14 MS. LODES: Yes.  
15 MS. FIELDS: Motion passed.  
16 MS. LODES: Thank you.  
17 MS. BOTCHLET-SMITH: The next item on the  
18 agenda is presentation of a budget resolution draft,  
19 also by Ms. Melanie Foster.  
20 MS. FOSTER: Madame Chair, members of the  
21 Council, ladies and gentlemen, so today at the  
22 Council's request I'm also send a budget resolution  
23 for you to affirm and bring to the 2020 legislature.  
24 As you may recall, a similar budget resolution  
25 was signed in October 2017 and was submitted to the

Page 21

1 implementing a system of assessing and collecting  
2 fees; Whereas, this Council supports the statutory  
3 direction that permit application fees, annual  
4 operating fees, and other environmental fees, be  
5 used only for the purposes for which they were  
6 collected and balances of the fund carry over from  
7 one year to the next for the same purpose with  
8 expenditures being limited to purposes defined by  
9 the law.  
10 Whereas, the legislature has continually made  
11 budget decisions that required DEQ to reduce  
12 revolving fund balances, hindering DEQ's ability to  
13 plan appropriately to fund programs that were  
14 designed to directly support statewide improvements  
15 to air quality that protect public health and the  
16 environment; therefore, be it resolved that the  
17 Oklahoma Air Quality Advisory Council, that this  
18 Council strongly endorses DEQ's need for fees and  
19 revolving funds to be utilized for purposes defined  
20 by law, thereby protecting public health and the  
21 environment.  
22 That copies of this Resolution be distributed to  
23 the Governor of Oklahoma, The Speaker of the  
24 Oklahoma House of Representatives, The President Pro  
25 Tempore of the Oklahoma State Senate, Appropriations

Page 22

1 Chairman of the Oklahoma House of Representatives,  
2 Appropriations Chairman of the Oklahoma State  
3 Senate, Natural Resources Appropriations  
4 Sub-committee Chairman of Oklahoma House of  
5 Representatives and Natural Resources Appropriations  
6 Sub-committee Chairman of Oklahoma State Senate.  
7 Adopted by majority vote in opening meeting this  
8 15th day of January, 2020."  
9 If the Council wishes to adopt this resolution,  
10 I ask that you vote on it now.  
11 MS. BOTCHLET-SMITH: This would be a time  
12 for discussion for the Council.  
13 MR. ELLIOTT: So, I really like the  
14 resolution. I was unaware this has been presented  
15 in the past. Which wasn't successful, right?  
16 MS. LODES: No, we passed it last time.  
17 MR. ELLIOTT: No, no, I mean, it didn't do  
18 any good, right?  
19 MS. LODES: Right.  
20 MR. ELLIOTT: So is there anything else  
21 that as a Council that we can do to show our support  
22 for this, such as going over to the Legislature and  
23 presenting it ourselves as a Council. I mean, that  
24 might show our strong resolve that we support this  
25 and just stop sweeping the funds.

Page 24

1 MR. TAYLOR: That's what's going to happen,  
2 they're flat lining right now. If the governor and  
3 the Indians don't get together, that's another  
4 100 million dollars out of the budget.  
5 MS. LODES: So do we -- any other  
6 discussion?  
7 Mr. KEELE: Do we know if any of the other  
8 Council's have gone down to with the Legislature in  
9 the past? Have there been other resolutions?  
10 MS. FOSTER: I'm not aware that they've  
11 done anything other than transmit it, but it's very  
12 possible.  
13 MS. LODES: Michelle is coming this  
14 direction. We'll quit putting Melanie on the spot.  
15 MS. WYNN: Hello, my name is Michelle Wynn  
16 and I am the DEQ legislative liaison. I appreciate  
17 your comments as they are very correct. What has  
18 happened, and you are correct, that we are -- they  
19 are saying that flat budgets are -- what has  
20 happened with DEQ is whatever budget is decided,  
21 they've still turned around and decided to sweep our  
22 revolving funds.  
23 Air Quality is one that's hit with that, as is  
24 Land, as are some ideas because the amount of money  
25 we've given back to the State far exceeds the amount

Page 23

1 MS. LODES: I mean, I think that would be  
2 another option. I don't know how that -- I don't  
3 know how that gets arranged.  
4 MR. ELLIOTT: I don't know.  
5 MS. LODES: I think that would be up to the  
6 Council's discretion to make those arrangements.  
7 MR. ELLIOTT: I think that's a -- I  
8 definitely like the resolution, but I think if it's  
9 done in the past and it hasn't really, you know,  
10 affected them, maybe a little bit more showing of  
11 our support for this would help as in, you know --  
12 MS. LODES: And that's probably true. I  
13 mean, as she said, Solid Waste does it annually.  
14 And we've had 30 million over five years swept.  
15 MR. TERRILL: Agency wide, that's -- that's  
16 probably right.  
17 MS. LODES: Agency wide.  
18 MR. ELLIOTT: I'm all for passing this, but  
19 then doing something else, too.  
20 MR. TAYLOR: The budget is going to be flat  
21 lined this year anyway. So what -- are we going to  
22 lose money again?  
23 MS. LODES: That's how they've made up the  
24 budget the last few years, is they've swept from  
25 here.


Page 25

1 of money they've given us in appropriations in the  
2 last six years.  
3 We -- I don't know that we can ask you to go to  
4 the Capitol. But if you contact your legislators,  
5 which you probably work with closely or know on a  
6 personal basis and want to say that you're a member  
7 of this Council and express your wishes, I think  
8 that would be very appropriate.  
9 MS. LODES: Any other questions or  
10 discussions on the resolution? Do we move to pass  
11 the resolution?  
12 MR. ELLIOTT: I make a motion to pass the  
13 resolution as presented here today.  
14 MR. TAYLOR: I'll second that.  
15 MS. LODES: I have a motion and a second.  
16 Let's call roll.  
17 MS. FIELDS: Mr. Butcher.  
18 MR. BUTCHER: Yes.  
19 MS. FIELDS: Mr. Collins.  
20 MR. COLLINS: Yes.  
21 MS. FIELDS: Dr. Delano.  
22 DR. DELANO: Yes.  
23 MS. FIELDS: Mr. Elliott.  
24 MR. ELLIOTT: Yes.  
25 MS. FIELDS: Mr. Haught.

Page 26

1 MR. HAUGHT: Yes.  
2 MS. FIELDS: Mr. Keele.  
3 Mr. KEELE: Yes.  
4 MS. FIELDS: Mr. Taylor.  
5 MR. TAYLOR: Yes.  
6 MS. FIELDS: Ms. Lodes.  
7 MS. LODES: Yes.  
8 MS. FIELDS: Motion passed.  
9 MS. BOTCHLET-SMITH: We've concluded the  
10 hearing portion of today's meeting.  
11 (Hearing concluded)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 27

1 CERTIFICATE  
2 STATE OF OKLAHOMA )  
3 ) SS:  
4 OKLAHOMA COUNTY )  
5  
6 I, Brenda Plumbtree, Certified Shorthand  
7 Reporter within and for the State of Oklahoma, do  
8 hereby certify that the above AIR QUALITY ADVISORY  
9 COUNCIL was by me taken in shorthand and thereafter  
10 transcribed; that the same is true and correct; and  
11 that it was taken on the 15th day of January, 2020  
12 at the time of 9:00 A.M. in the City of Oklahoma  
13 City, County of Oklahoma, State of Oklahoma. And  
14 that I am not attorney for or relative of any of  
15 said parties or otherwise interested in the event of  
16 said action.  
17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and official seal this 20th day of January, 2020.  
19  
20   
21 BRENDA PLUMBTREE, CSR  
22 Oklahoma Certified Shorthand Reporter  
23 Certificate No. 01434  
24 Expires: December 31, 2020  
25

THE AIR QUALITY COUNCIL  
 RULEMAKING RECOMMENDATION  
 TO THE ENVIRONMENTAL QUALITY BOARD

**Identification of Proposed Rulemaking:**

Chapter Number and Title: OAC 252:100

**OAC 252:100-17. Incinerator**

**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]

On January 15, 2020, the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

  X   permanent [take effect after legislative review]

       emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,

  
 \_\_\_\_\_  
 Chair or Designee:

Date Signed: 1-15-2020

	VOTING TO APPROVE	VOTING AGAINST	ABSTAIN	ABSENT
Gerald Butcher	✓			
Gary Collins	✓			
Robert Delano	✓			
Gregory Elliott	✓			
Jim Haught	✓			
Garry Keele II	✓			
Steve Landers				✓
Jeffrey Taylor	✓			
Laura Lodes	✓			



**AIR QUALITY ADVISORY COUNCIL**

**Attendance Record**

**January 15, 2020**

**Oklahoma City, Oklahoma**

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

MELANIE FOSTER	AQD-DEQ
Nancy Pearce	DEQ-AQD
LEON ASHFORD	DEQ-AQD
Eddie Teal	DEQ-AQD
JOSE BLANCO	DEQ AQD
Jeremy Jewell	Trinity Consultants
Cheryl Bradley	DEQ-AQD
Malcolm Encarnacion	DEQ AQD
Alex Peta	ODOT - Environmental Programs Division
Jim Haught	AQC
Beverly Batchlet-Smith	DEQ
Quiana Fields	DEQ
Casper Garbe	DEQ-AQD
Brenda Plumettes	
Bud Ground	EFO
Michael Watt	OMPA
Rick Goshong	ODEQ
Tom Richardson	ODEQ
Barbara VanHanken	Sierra Club
Jeff Jay	ODEQ
Greg Elliott	AQC
Camas Frey	DEQ-AQD
Nancy Moran	IAHAC ANHE
MADISON MILNER	ODEQ
Heather Lerch	DEQ-AQD
Christina Hagens	DEQ-AQD
Michelle Wynne	DEQ





# AIR QUALITY ADVISORY COUNCIL

Attendance Record

January 15, 2020

Oklahoma City, Oklahoma

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
ERIC POLLARD ACQB	epollard@rcgs.org
Jonathan Truong DEQ	Jonathan.Truong@deq.ok.gov
Randy Ward citizen	
GARY COLLINS AQC	gcollins@cfindustries.com
Curt Gueller DEQ	curt.gueller@deq.ok.gov
Garry Kerk McAtee & Tatt	garry.kerk@mcateeandtatt.com
Bryan Sims DEQ	bryan.sims@deq.ok.gov
Brian McKibben OGE	
Mike Hixon OGE	
Phillip Fields DEQ	phillip.fields@deq.ok.gov
Stephen Baldige USEE	Stephen.Baldige@ec.ok.gov
Dara Schultz DEQ	dara.schultz@deq.ok.gov
Bob Delano	
Gerald Butcher	
Brooks Kirlik DEQ	
Grant Loney DEQ	
Michael Ketcham DEQ	
ANGIE BURCKHARDT <del>DEQ</del> CLR	ANGIE.BURCKHARDT@CLR.COM
MIKE MATTHEWS CLR	MIKE.MATTHEWS@CLR.COM
Candace McMinis OPMCA	Candace@opmca4ym.com
Carrie Schroeder DEQ	
Greg Phillips Covanta	
Lisa Grechu Tetra Tech	lisagrechu@tetratech.com
Rachel Langdon Tetra Tech	rachel.langdon@tetratech.com
Laura Finley WFEC	laura.finley@wfec.com
Alea Smith Tetra Tech	alea.smith@tetratech.com
Shelby Willey DEQ	Shelby.willey@deq.ok.gov



# AIR QUALITY ADVISORY COUNCIL

Attendance Record

January 15, 2020

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Derek Hardberger

derek.Hardberger@MCAFEETAFT1101

Cecelia Klemm

DEQ

KEN RUFFIN

Kwruffin@aep.com

Jeremy Fincher

jeremy.finchera@seconddestination-nsh2020

*[Handwritten signature]*

AQC