

MINUTES
AIR QUALITY ADVISORY COUNCIL
June 17, 2020
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at October 21, 2020 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Virtual Regular Meeting at 9:00 a.m. on June 17, 2020. Notice of the meeting was forwarded to the Office of Secretary of State on March 24, 2020. 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 please use the “Raise Hand” function found either at the bottom of your screen or under the “Participants” tab depending on your device. If you are attending this meeting by calling in then you will raise your hand by pressing *9 on your keypad. When it is your turn to speak, the Host will identify you by announcing your displayed name or the last four digits of your phone number and then your line will be unmuted. You will have three minutes to make your comment on the record. When your time expires you will be notified and your line will be muted as we move onto the next person requesting to speak. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Matt Caves
Gary Collins
Robert Delano
Gregory Elliott
Garry Keele II
Steve Landers
John Privrat
Jeffrey Taylor
Laura Lodes

Members Absent
None

DEQ STAFF PRESENT

Kendal Stegmann
Eddie Terrill
Beverly Botchlet-Smith
Cheryl Bradley
Melanie Foster
Madison Miller
Dara Schultz
Phillip Fielder
Kathy Aebischer
Jonathan Truong
Tom Richardson
Brooks Kirilin

Cooper Garbe
Malcolm Zachariah
Christina Hagens
Quiana Fields

OTHERS PRESENT

Tammie Shipman, Court Reporter

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the January 15, 2020 Regular Meeting. Dr. Delano moved to approve and Mr. Taylor made the second.

See transcript pages 4 - 5

Matt Caves	Yes	Steve Landers	Abstain
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele II	Yes		

Resolution for Mr. Butcher – Ms. Lodes stated other changes before reading the resolution for Mr. Butcher. Kendal Stegmann is now the Division Director of the AQD she has taken over that role as Mr. Eddie Terrill phase into retirement. Also, there are two new Council members, Mr.

Matt Caves replaced Mr. Butcher and Mr. John Privrat replaced Mr. Haught. Ms. Lodes read the resolution for Mr. Butcher.

See transcript pages 5 - 7

Chapter 4. Rules of Practice and Procedure
Subchapter 7. Environmental Permit Process
Part 1. The Process

252:4-7-13. [AMENDED]

Part 3. Air Quality Division Tiers and Time Lines

252:4-7-32. [AMENDED]

252:4-7-33. [AMENDED]

Mr. Tom Richardson, P.E., Rules & Planning (R&P) Section of the AQD, stated the Department is proposing to amend the air quality portions of Chapter 4, Subchapter 7 to better align the Department's issuance process and public participation procedures for Part 70 source construction and operating permits with the New Source Review permit requirements and Title V operating permit requirements. Following questions by the Council and none by the public, Ms. Lodes called for a motion to carry the rule over to a later date. Mr. Keele moved to approve and Mr. Taylor made the second.

See transcript pages 9 - 44

Matt Caves	Yes	Steve Lander	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Chapter 100. Air Pollution Control
Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 5. Permits for Part 70 Sources

252:100-8-4. [AMENDED]

252:100-8-7.2. [AMENDED]

Mr. Richardson stated the Department is proposing to amend permitting requirements in Subchapter 8 to better align the Department's permit requirements and issuance process for Part 70 source construction and operating permits with the New Source Review permit requirements and Title V operating permit requirements. Following questions by the Council and none by the public, Ms. Lodes called for a motion to forward the rule and discuss further on July 22 in a Special Meeting. Mr. Keele moved to approve and Mr. Landers made the second.

See transcript pages 44 - 54

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Chapter 110. Lead-Based Paint Management
Subchapter 3. Definitions
252:110-3-1. [AMENDED]
Subchapter 5. Incorporation by Reference
252:110-5-1. [AMENDED]
Subchapter 9. Additional Accreditation Requirements

252:110-9-1.2 [NEW]

Subchapter 11. Additional LBP Certification Requirements

252:110-11-7.1. [NEW]

Subchapter 13. Additional Work Practice Standards

252:110-13-7. [NEW]

Subchapter 15. Additional Renovation, Repair and Painting (RRP) Requirements

252:110-15-3.1. [NEW]

252:110-15-4. [AMENDED]

252:110-15-5. [AMENDED]

Mr. Brooks Kirlin, P.E., R & P Section of the AQD, stated that the Department is proposing to amend OAC 252:110, Lead-Based Paint Management, to update incorporations by reference to include provisions to implement the military reciprocity bill (59 O.S. §4100, et seq., Military Service Occupation, Education and Credentialing Act), to lower dust lead hazard levels in compliance with recent changes to 40 C.F. R. Part 745, to update clearance levels in order to parallel the U.S. Environmental Protection Agency’s dust-lead hazard changes and clearance levels already being used by the U.S. Department of Housing and Urban Development’s Office of Healthy Homes and Lead Hazard Control, and to correct minor punctuation and grammar errors. The proposed updates to the dust hazard levels are necessary to maintain EPA approval for Oklahoma’s Lead Based Paint program. Following questions by the Council and none by the public, Ms. Lodes called for a motion to carry the rule over to a late date. Mr. Privat moved to approve and Mr. Keele made the second.

See transcript pages 55 - 73

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

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

See transcript pages 73

Presentation – Mr. Cooper Garbe, EPS, R&P Section of the AQD, gave a presentation on Regional Haze Update.

Presentation – Ms. Kathy Aebischer, Finance of the ASD, gave a presentation on funding.

Division Director's Report – Ms. Kendal Stegmann, Division Director of the AQD, provided an update on other Division activities.

New Business – None

Adjournment – Ms. Lodes called for a motion to adjourn the meeting. Mr. Taylor moved to approve and Mr. Keele made the second. The next scheduled regular meeting is on Wednesday, October 21, 2020 in Oklahoma City.

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Garry Keele	Yes	Laura Lodes	Yes

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

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

REGULAR MEETING/HEARING AGENDA

AIR QUALITY ADVISORY COUNCIL

JUNE 17, 2020 - 9:00 A.M.

VIRTUAL MEETING

REVISED AGENDA

REPORTED BY: TAMMIE SHIPMAN, CSR

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1 BOARD MEMBERS PRESENT:
2 MS. LAURA LODES, CHAIRMAN
3 MR. GARY COLLINS, VICE CHAIRMAN
4 MR. MATT CAVES
5 DR. ROBERT DELANO
6 MR. GREGORY ELLIOTT
7 MR. GARRY KEELE II
8 MR. STEVE LANDERS
9 MR. JOHN PRIVRAT
10 MR. JEFFREY TAYLOR
11
12 Also Present:
13 Ms. Quiana Fields, Secretary of Board and Council
14 Ms. Kendal Steggman, Division Director
15 Ms. Kathy Aebischer, CFO of DEQ
16 Mr. Cooper Garbe, R&P for AQD
17 Ms. Beverly Botchlet-Smith, AD for AQD
18 Mr. Tom Richardson, Engineer for AQD's R&P
19 Ms. Dara Schultz, Lead Base Paint Program
20 Ms. Melanie Foster, R&P for AQD
21 Mr. Phillips Fielder, Chief Engineer for AQD
22 Mr. Eddie Terrill, Division Director for AQD
23 Ms. Madison Miller, Legal Counsel for AQD
24 Ms. Christina Hagens,
25 Mr. Malcom Zachariah

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1 CHAIRMAN LAURA LODES: Thank you.
2 The -- the next item on today's agenda is
3 actually approval of the minutes from the
4 January 15th, 2020, regular meeting. Do we have
5 any questions or concerns regarding the minutes?
6 Hearing none, do I have a motion to
7 approve the minutes from the January 15th, 2020,
8 meeting?
9 DR. DELANO: I'll make that motion.
10 MR. TAYLOR: I'll second it.
11 CHAIRMAN LAURA LODES: Okay. So that
12 was Robert Delano making the motion, with Jeff
13 Taylor seconding it.
14 MR. TAYLOR: Right.
15 MS. FIELDS: Quiana, would you call
16 roll?
17 MS. FIELDS: Mr. Caves?
18 MR. CAVES: Aye.
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. Keele?

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1 (Meeting called to order at 9:00 a.m.)
2 CHAIRMAN LAURA LODES: I'd like to go
3 ahead and call today's meeting of the Air
4 Quality Advisory Board to order. First item on
5 today's agenda would be, Quiana, will you please
6 call roll?
7 MS. FIELDS: Mr. Case?
8 MR. CASE: Present.
9 MS. FIELDS: Mr. Collins?
10 MR. COLLINS: Present.
11 MS. FIELDS: Dr. Delano? Dr. Delano?
12 DR. DELANO: Sorry. Present.
13 MS. FIELDS: Mr. Elliott?
14 MR. ELLIOTT: Present.
15 MS. FIELDS: Mr. Keele?
16 MR. KEELE: Present.
17 MS. FIELDS: Mr. Landers?
18 MR. LANDERS: Present.
19 MS. FIELDS: Mr. Privrat?
20 MR. PRIVRAT: Present.
21 MS. FIELDS: Mr. Taylor?
22 MR. TAYLOR: Present.
23 MS. FIELDS: Ms. Lodes?
24 CHAIRMAN LAURA LODES: Present.
25 MS. FIELDS: We have a quorum.

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1 MR. KEELE: Yes.
2 MS. FIELDS: Mr. Landers?
3 MR. LANDERS: Abstain.
4 MS. FIELDS: Mr. Privrat?
5 MR. PRIVRAT: Yes.
6 MS. FIELDS: Mr. Taylor?
7 MR. TAYLOR: Yes.
8 MS. FIELDS: Ms. Lodes?
9 CHAIRMAN LAURA LODES: Yes.
10 MS. FIELDS: Motion passed.
11 CHAIRMAN LAURA LODES: So the next item
12 on today's agenda is a resolution for Mr. Gerald
13 Butcher, who has served on the Council for many
14 years. I do want to note before we go on to
15 Gerald's resolution, that we have a number of
16 council changes. Kendal Stegmann is now the
17 head of the Air Quality Council -- or the Air
18 Quality Division. Eddie is phasing himself into
19 retirement, which he has been threatening for
20 many years, as you all heard in his director's
21 report. So that will be the position of
22 director and reports now will be taken over by
23 Kendal.
24 We welcome Kendal back. She was on the
25 legal -- over compliance enforcement on the

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1 legal team for many years. We also have some
 2 new council members. We have Matt Caves
 3 replacing Gerald, and we have John Privrat
 4 replacing Jim Haught. But I do want to do the
 5 resolution for Mr. Butcher to recognize his many
 6 years of service.

7 Malcolm, are you able to post that?
 8 Aw, yes. Thank you. I can read it. Mr. Gerald
 9 was appointed to the Oklahoma Air Quality
 10 Council in 2012, and Mr. Gerald Butcher was a
 11 dedicated member of the air quality advisory
 12 council. Mr. Gerald Butcher played an active
 13 part in the development of the rules and
 14 regulations that were passed for the air quality
 15 advisory council to promote clean air in
 16 Oklahoma. And whereas, during his tenure as a
 17 member of the council, this body has met the
 18 legislative charter to obtain and preserve clean
 19 air in Oklahoma.

20 Now, therefore, it is resolved that the
 21 members of the Oklahoma Air Quality Advisory
 22 council recognize and thank Mr. Gerald Butcher
 23 for his years of service toward making Oklahoma
 24 a better place to live, and I really appreciate
 25 all of Gerald's years.

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1 on the agenda, and will be entered into each
 2 record along with what's the Oklahoma Register
 3 filing.

4 Notice of the meeting was filed with
 5 the Secretary of State on March 24th, 2020. The
 6 agenda was duly posted 24 hours prior to the
 7 meeting at DEQ. If you wish to make a
 8 statement, when it is time for public comment,
 9 please use the raise hand function found either
 10 at the bottom of your screen or under the
 11 participant's tab, depending on your device. If
 12 you're attending this meeting by calling in,
 13 then you will raise your hand by pressing *9 on
 14 your keypad.

15 When it is your turn to speak, the host
 16 will identify you by announcing your displayed
 17 name or the last four digits of your phone
 18 number, and then your line will be unmuted. You
 19 may also need to unmute yourself using the
 20 microphone icon or *6 on your keypad.

21 You must first identify yourself by
 22 stating your name and your affiliation, and then
 23 you will have three minutes to make your comment
 24 for the record. When your time expires you'll
 25 be notified and your line will be muted as we

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1 I know, Gerald, we'll be getting the
 2 certificate sent over to you. And I know Gerald
 3 can't actually speak, because we've got it
 4 locked down.

5 The next item on today's agenda goes
 6 into the public rule making hearing. So,
 7 Beverly, I will turn this over to you.

8 MS. BOTCHLET-SMITH: Thank you. Good
 9 morning. I'm Beverly Botchlet-Smith. I'm the
 10 assistant director of the Air Quality Division,
 11 and, as such, I'll serve as the protocol officer
 12 for today's hearings.

13 The hearings will be convened by the
 14 Air Quality Council in compliance with the
 15 Oklahoma Administrative Procedures Act and Title
 16 40 of the Code of Federal Regulations, Part 51,
 17 as well as the authority of Title 27A of the
 18 Oklahoma statutes, Section 2-2-201, and Sections
 19 2-5-101 through 2-5-117.

20 Notice of the June 17th, 2020, virtual
 21 hearings were advertised in the Oklahoma
 22 Register for the purpose of receiving comments
 23 pertaining to the proposed OAC Title 252 Chapter
 24 100 rules, the OAC Title 252 Chapter 110 rules,
 25 and the OAC Title 252 Chapter 4 rules, as listed

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1 move on to the next person requesting to speak.

2 So at this time, we will move on with
 3 what's marked as agenda item 5A. This is
 4 Chapter 4, Rules of Practice and Procedure,
 5 Subchapter 7, the Environmental Permit Process,
 6 part 1, the process. And the presentation for
 7 this today will be given by Mr. Tom Richardson,
 8 a professional engineer of our staff.

9 Mr. Richardson.

10 MR. RICHARDSON: Thank you, Beverly.
 11 Good morning, Madam Chair, members of the
 12 council, ladies and gentlemen. I'm Tom
 13 Richardson, an engineer of the Air Quality
 14 Division's rules and planning section. My
 15 purpose today is to provide an overview of our
 16 plans to amend our state permitting rules to
 17 better bring them into alignment with federal
 18 rules and statutes. Next slide.

19 Before we get into the details of our
 20 proposal, I would like to provide a brief
 21 description of the process, an explanation of
 22 why we are undertaking this effort, and a
 23 roadmap outlining the approach we would like to
 24 take to accomplish our objectives. Next slide.

25 SIP backlog. EPA staff members have

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1 been working their way through a large number of
2 state implementation plans, or SIPs, that were
3 submitted previously but not yet acted on. And,
4 of course, our concern today is the SIPs
5 submittal sent to EPA by the Oklahoma DEQ, to
6 incorporate rule changes we have adopted over a
7 number of years.

8 In some cases, EPA's incorporation of
9 these submittals into our SIP was delayed due to
10 issues seemingly unrelated to the permitting
11 rule changes. Other Oklahoma SIP submissions
12 have just been on the back burner as EPA focused
13 on our concerns. But over the last few years,
14 EPA has been actively reviewing those
15 submissions, developing a more complete
16 understanding of how our program actually
17 operates and working to improve AQD rule
18 changes, as long as the changes conform with
19 federal requirements.

20 As EPA has adjusted their focus to the
21 SIP backlog, their attention has been drawn to
22 the specific changes that we have made in our
23 permitting rules. These changes have already
24 been incorporated in the Oklahoma Administrative
25 Code, and these rules now define the process

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1 beyond just a simple adoption of federal
2 approaches. But, in spite of the additional
3 work EPA will need to do to get these changes
4 incorporated into our SIP, EPA has embraced
5 their opportunity to work with us, and they are
6 committed to helping us find solutions that meet
7 our needs.

8 And one final advantage to this
9 collegial process is that the rule changes we
10 are proposing and the SIP modifications we are
11 preparing are more likely to pass review with
12 fewer adverse comments than would be expected
13 absent this collaboration. We certainly want to
14 do the most we can to ensure that whatever rules
15 we adopt are approvable and will ensure that we
16 are able to operate our program in a manner that
17 benefits the citizens of the state of Oklahoma.
18 Next slide.

19 Five Commitments to guide the process.
20 As we work with EPA, our council and other
21 stakeholders to modify our rules to address the
22 concerns raised during the SIP review process,
23 we want to keep five commitments in mind. One,
24 our commitment to protect the public health and
25 the environment.

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1 under which we operate and have been operating
2 for years.

3 With a recent focus on these changes,
4 EPA has identified conflicts between our current
5 practices and the relevant federal rules. We
6 are currently working with EPA to resolve these
7 conflicts to ensure that our permitting SIP is
8 federally enforceable -- rather, federally
9 approvable.

10 EPA Collaboration. The EPA's
11 identification of aspects of our program that
12 are in conflict with EPA rules and federal
13 statutes has presented a number of challenges to
14 us. We would like to recognize the beneficial
15 nature of the ongoing collaboration between EPA
16 Region 6 staff, and Adina Wiley in particular,
17 and Oklahoma DEQ personnel.

18 EPA really has worked with us in a
19 mutually beneficial partnership. While they
20 have pushed us to make changes in cases where
21 our approach does not meet federal requirements,
22 they have worked with us to find the best
23 solution for Oklahoma and Oklahoma stakeholders.

24 In some cases the best solution for
25 Oklahoma has pushed EPA to explore approaches

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1 Two, the obligation to comply with
2 federal and state laws and rules. We must
3 ensure that our program itself, and all permits
4 issued under our program, comply with federal
5 statutes and rules and state statutes and rules.

6 Three, our agency's goal to minimize
7 delays. We want to maintain our commitment to
8 issuing permits with as little delay as
9 practicable.

10 Four, we want to continue to offer
11 maximum flexibility to our industry stakeholders
12 and embracing mechanisms they may use to comply
13 with state and federal requirements, while
14 minimizing changes to our program and reducing
15 disruptions as much as practicable.

16 Five, we need to continue to ensure
17 federal enforceability of permitting conditions.
18 This helps protect both the public and the
19 permit holder. Next slide.

20 Summary of the issues we need to
21 address. Our current PSD construction
22 permitting program has been reviewed and
23 approved. On December 3rd, 2019, EPA published
24 a proposed approval of that portion of our SIP.
25 Final approval was published on April 10th,

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1 2020. The remaining issues to address are
2 related to the incorporation of the conditions
3 of a major source construction permit into a
4 Title V operating permit for a facility that
5 does not have a Title V permit, and a number of
6 issues related to Minor New Source Review or
7 NSR.

8 In addition, we are planning in our SIP
9 to characterize our Minor Source, Subchapter 7,
10 Operating Permit Program more formally and
11 adopting the term FESOP, or Federally
12 Enforceable State Operating Permit, to better
13 align our existing program with federal
14 requirements. Next slide.

15 Initial Title V Operating Permit.
16 Until quite recently AQD policy allowed the
17 requirements of a major source construction
18 permit to be incorporated into a Title V
19 Operating Permit through an administrative
20 amendment as long as the specific conditions
21 were made substantively the same. With some
22 modification to our process, EPA is willing to
23 allow this to continue for facilities currently
24 operating under Title V permits. This is called
25 Enhanced NSR. We have not used this term to

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1 concerns, I'd like to clarify the distinction
2 EPA draws between Minor NSR and Major NSR and
3 how that compares and contrasts with our major
4 Subchapter 8 and minor Subchapter 7 permit
5 classifications.

6 For EPA, Major NSR includes prevention
7 of significant deterioration, or PSD permits,
8 for areas in attainment of the national ambient
9 air quality standards and non-attainment NSR for
10 areas out of attainment. Thankfully, Oklahoma
11 has no non-attainment areas. EPA considers any
12 preconstruction permit not issued under the PSD
13 or non-attainment NSR programs to be Minor NSR.
14 As a result, all construction permits issued for
15 Minor Sources covered in Subchapter 7 are Minor
16 NSR.

17 In addition, most of the Oklahoma DEQ
18 construction permits issued to major sources,
19 Subchapter 8, are also considered by EPA to
20 represent Minor NSR permits. As mentioned
21 previously, EPA is satisfied with our PSD, Major
22 NSR permitting program. But EPA has concerns
23 about a number of aspects of our Minor NSR
24 program.

25 The most significant issue is that

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1 describe our program, but this is the process we
2 have used.

3 The 30-day public review of an NSR
4 permit and the 45-day EPA review of the changes
5 to the Title V Operating Permit take place prior
6 to the issuance of the construction permit.
7 Later, the requirements of the construction
8 permit may be incorporated into an existing
9 Title V Operating Permit using an administrative
10 amendment.

11 This process is entirely acceptable if
12 the facility already has a Title V permit. But
13 for facilities that do not yet have a Title V
14 permit, EPA objects to this process because it
15 is not allowed under federal rules. As a
16 result, we are requiring that the initial Title
17 V Operating Permit undergo its own Tier 2 public
18 review before issuance.

19 This policy is currently in effect for
20 all new, that is, initial Title V permits, as we
21 made a commitment to EPA to go ahead and make
22 this change. Revisions to Chapter 4 and Chapter
23 100, Subchapter 8, included in your packet, will
24 codify this policy. Next slide.

25 Minor NSR. Before addressing specific

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1 federal rules require that all Minor NSR permits
2 undergo a 30-day public review period. To meet
3 this requirement, it will require a number of
4 changes to our program and to our rules. I
5 would like to highlight these changes, these
6 issues, rather, by focusing on the following
7 permitting actions.

8 Major Source, Subchapter 8,
9 Construction Permits. Minor modifications to
10 Title V Operating Permits, Subchapter 7,
11 Individual Facility Construction permits;
12 General Permits, or GPs, and permits by rule, or
13 PBRs, and authorizations to construct and
14 operate under GPs and PBRs. Next slide.

15 Let's start with the major source
16 construction permits. Major source construction
17 permits undergo Tier 2 public review. This
18 satisfies EPA's requirements and does not
19 require change.

20 The next category is Minor
21 Modifications to Title V Operating Permits.
22 Under current ODEQ policy, a Title V facility,
23 owner/operator, may, after submitting an
24 application for a minor modification, or minor
25 mod, that is administratively complete and

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1 technically accurate, proceed with changes
2 authorized by the permit before the permit is
3 issued.
4 The owner/operator assumes a certain
5 amount of risk because the change may not truly
6 constitute a minor modification, and that
7 determination is made by ODEQ during the
8 technical review of the permit. However, this
9 mechanism and ODEQ's commitment to expedited
10 administrative review has allowed facilities to
11 proceed with minor facility changes, with very
12 little delay.
13 However, EPA rules state that any
14 physical change or change in the method of
15 operation to a facility that results in a change
16 in emissions would require an NSR permit, major
17 and minor. This will require change in policy
18 and a change in our rules. That means when our
19 rule changes are complete, we will require minor
20 mods to get a construction permit with public
21 review.
22 This change will also bring our
23 Subchapter 8 permitting program more in line
24 with our program in Subchapter 7, because all
25 permits authorizing the installation of new

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1 Subchapter 7, Operating Permits. The
2 only operating permit program explicitly
3 established by EPA is the Title V program. To
4 bring ODEQ Subchapter 7 minor source operating
5 program fully into the SIP, ODEQ is exploring
6 the option of modifying our program in
7 accordance with EPA's rules on establishing
8 federally enforceable state operating permits,
9 or FESOPs. EPA's program grafts the FESOP
10 program onto the rules established for Minor
11 NSR. ODEQ is evaluating options and will keep
12 the council and our stakeholders apprised of our
13 progress.
14 It should be noted that federally
15 enforceable limits, established in a Minor NSR
16 permit, for example, a Subchapter 7 construction
17 permit, are sufficient to establish limits on
18 the facility's potential to emit O₃. Similar
19 to what we discussed, regarding Title V
20 operating permits, an initial FESOP would need
21 to go for 30-day public review. Next slide.
22 The modification of a FESOP to
23 incorporate conditions from a construction
24 permit that has gone through public review will
25 not require a second round of public review for

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1 equipment with an associated emissions increase,
2 more than de minimis levels, will require a
3 construction permit.
4 Please note, this is a significant
5 change in our program. We will work to expedite
6 the issuance of these permits to minimize
7 delays, but we recognize that this will be a new
8 burden to our Title V facilities. Subchapter 7
9 establishes our rules for individual facility
10 minor source construction permits, the third
11 category shown on this slide.
12 Currently, these permits may be issued
13 without public review. EPA considers those
14 permits to constitute Minor NSR necessitating
15 public review. This will require a change in
16 our policy and a change in our rules.
17 GPs and PBRs are issued by ODEQ after
18 undergoing public review. This is acceptable to
19 EPA and we will continue this practice.
20 Authorizations to construct and operate under
21 GPs and PBRs currently do not require separate
22 public review, because the underlying permits
23 have already undergone public review. EPA does
24 not object to this process and we will continue.
25 Next slide.

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1 the FESOP. Further, a facility with a Title V
2 operating permit may apply for emission limits
3 so that they would not be required to keep their
4 Title V operating permit.
5 It's been DEQ policy that the permit
6 change incorporating the new limits must go
7 through Tier 2 public review. However, even
8 though this has been our policy, this
9 requirement is not established in our rules.
10 EPA has identified this issue as a deficiency
11 and we are proposing modifications to our rules,
12 to address that deficiency. It should be noted
13 that the permit issued at the end of this
14 process will be a FESOP. Next slide.
15 New requirements for public review.
16 The changes we are proposing will require that a
17 number of permits previously exempt from the
18 public review process will now receive public
19 review. An initial Title V operating permit
20 will follow the Tier 2 process. The permit that
21 is issued to move a facility from a Title V
22 permit to a Synthetic Minor Permit will also be
23 Tier 2.
24 Our proposal is that other permitting
25 actions, newly required to undergo public

<p style="text-align: right;">Page 22</p> <p>1 review, will do so through a web based process 2 authorized by EPA. These new requirements will 3 constitute a modification of our Tier 1 public 4 review system. 5 We would like to note that the Tiered 6 system for public review of permitting actions 7 was established by Oklahoma statute. With the 8 exception of the initial Title V permit and the 9 Title V to Synthetic Minor Permit, the 10 additional permitting actions required by EPA to 11 undergo public review will remain Tier 1. Next 12 slide. 13 On Our Path Forward. The proposed 14 rules we have publicly noticed and posted on our 15 website are but the first step in the process. 16 A more detailed set of proposed rule changes 17 will be coming soon. Therefore, we are not, and 18 I would like to repeat, not asking our council 19 to act on the rules before you today. We are 20 requesting comments and feedback from the 21 council, our stakeholders, and the public so we 22 may bring a more complete proposal to the 23 council during the October meeting to request 24 approval at that time. 25 Before I start going over the proposed</p>	<p style="text-align: right;">Page 23</p> <p>1 textual changes to the rule, I would like to 2 give a tip of the hat to Brooks Kirlin as the 3 primary author of all the changes to the rules 4 we will discuss today, as well as the broader 5 changes we will present in the next council 6 meeting. Thank you, Brooks. 7 And I would like also to note that I 8 may redirect particularly difficult questions to 9 Brooks or to other members of the team as 10 necessary. Thank you in advance to everyone 11 involved. With that, we would like to turn to 12 the specific rule language, starting with 13 Chapter 4. Next slide. 14 Please turn in your packets to the 15 proposed amendments to the rule text in Chapter 16 4, Subchapter 7. Next slide. 17 Please note that in this presentation, 18 much of the language, the rule language, rather, 19 not being changed has been omitted. The 20 complete text of each section is included in the 21 rule text documents included in the packet and 22 on the web. 23 The changes shown on the slide include 24 an additional reference to the enabling statute 25 and changes to the rule so that enhanced NSR may</p>
<p style="text-align: right;">Page 24</p> <p>1 only be used to modify an existing Title V 2 permit. With these changes in place, the 3 initial Title V permit will require Tier 2 4 public review. Next slide. 5 EPA requires us to pick one consistent 6 noticing method for public review. New 7 Paragraph 6 states that our official method will 8 be publication on the web. Oklahoma statute 9 also requires public noticing of various 10 permitting action, and requires notices to be 11 published in the newspaper. Paragraph 6 will 12 have no effect on those requirements. 13 New Paragraph 7 states that all new 14 requirements for Tier 1 public review will be 15 noticed exclusively on the web. These 16 permitting actions are not required by Oklahoma 17 statute to be published in the newspaper. The 18 deletions in Section 32, Air Quality 19 Applications, Tier 1, Paragraph B, codify the 20 requirement that initial Title V permits must 21 undergo Tier 2 public review. Enhanced NSR will 22 no longer be available for the initial Title V 23 Operating Permit. Next slide. 24 The additional text shown in Subsection 25 A, Paragraph 2, formally incorporates the</p>	<p style="text-align: right;">Page 25</p> <p>1 requirement for a permit incorporating limits to 2 move the facility from a Title V permit to a 3 Synthetic Minor Permit to go through Tier 2 4 public review. The changes to Subsection B 5 codify the change in policy, requiring an 6 initial Title V permit to undergo Tier 2 public 7 review. Next slide. 8 That concludes my presentation of our 9 proposed changes to Chapter 4. I would like to 10 restate the staff's recommendations. Please 11 feel free to discuss, comment and suggest 12 changes to the proposed rule, but please 13 postpone consideration of the rules changes 14 until we meet in October. 15 Thank you. I would now welcome 16 questions and comments. 17 MS. BOTCHLET-SMITH: Thank you, Tom. 18 To ensure the public is able to listen to the 19 council's deliberation on the rule, all 20 questions from the council will be made audibly 21 and chat features in Zoom will not be used. 22 Please remember, Council, you will need 23 to unmute yourself before asking your questions. 24 And also please identify yourself before 25 speaking. At this time, what questions do we</p>

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1 have from the council?
2 CHAIRMAN LAURA LODES: This is Laura
3 Lodes. I know I've got several on these,
4 questions on it. And some fundamental ones have
5 to do more with -- probably more related to
6 Subchapter 7 and 8 versus this. But do we plan
7 to see more general permits than what we've got
8 now? Right now we really only have a handful of
9 general permits out there.
10 MR. RICHARDSON: Thank you, Laura. I
11 think -- I think that is certainly an option we
12 are exploring. I think the general permit
13 process has worked extremely well for the
14 facilities that are able to take advantage of
15 those permits. I think that's a permitting
16 vehicle that has a lot of merit, and we will
17 continue to explore the expansion of those
18 permits to other -- other areas.
19 CHAIRMAN LAURA LODES: Okay. Another
20 one that I -- and I think I understand this, but
21 I want to make sure it's clear. Minor Sources,
22 an individual minor source permit will now go
23 through a type of Tier 2 process, but it's only
24 going to be a 30-day public notice on the web,
25 they're not going to EPA or anywhere else,

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1 questions do we have from the rest of the
2 council?
3 MR. LANDERS: This is Steve Landers.
4 Tom, you mentioned -- and I'll try to -- try to
5 get this correct, so I get a good answer here.
6 But when a permit modification -- permit mod
7 application is submitted and deemed to be
8 complete and technically accurate, we've been
9 allowed to begin construction with -- with some
10 risk prior to receiving the construction permit.
11 With these changes, are you suggesting now --
12 are we suggesting now that that would have to go
13 through public review prior to the ability to
14 begin construction, or would we have to actually
15 receive -- receive the construction permit in
16 addition to that?
17 MR. RICHARDSON: So you're correct, the
18 permit would need to be issued in advance of
19 initiating construction. I think that minor mod
20 processes work very well in Oklahoma, but it's a
21 process that's not authorized under EPA and NSR
22 rules. So we would actually have to issue the
23 NSR permit before a construction can -- can
24 begin, before the -- certainly before the first
25 emission unit can be started up that's

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1 correct?
2 MR. RICHARDSON: So here's where I
3 would hesitate, that the tier process is set by
4 Oklahoma statute.
5 CHAIRMAN LAURA LODES: Right.
6 MR. RICHARDSON: And EPA, under Part
7 51, establishes their own rules for what
8 constitutes New Source Review, and a component
9 of that is a 30-day public review period for a
10 New Source Review permit. And what we'll be
11 doing with Subchapter 7 is requiring all
12 construction permits, which are considered Minor
13 NSR, to undergo 30-day public review, but that
14 review will be Tier 1, exclusively on the web.
15 So, in general, you're correct. Except
16 I would be careful to focus that the tiered
17 system is a Oklahoma statute driven process,
18 whereas, the NSR process is driven by EPA.
19 CHAIRMAN LAURA LODES: Correct, but
20 that's what I was just trying to make sure of.
21 The Minor Source Permits will only go through
22 the Tier 1 process, which will be the public
23 notice on the web?
24 MR. RICHARDSON: Yes.
25 CHAIRMAN LAURA LODES: What other

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1 authorized under that minor modification.
2 CHAIRMAN LAURA LODES: Okay. That's --
3 that's something that I want to make sure I'm
4 clear on, because this was one of the big
5 questions I had.
6 There's -- so with the current Tier 1
7 minor mods operating, as soon as it's -- like he
8 said, as soon as it's submitted and
9 administratively complete, we are allowed to
10 begin construction and operation of the change.
11 Under this new process, DEQ policy has always
12 been we can begin construction but not -- as
13 long as the unit was not made operational until
14 a construction permit is issued.
15 MR. LANDERS: Right. Yeah.
16 CHAIRMAN LAURA LODES: Under this new
17 process, we'll still be allowed -- as long as
18 the permit does not trigger PSD, we can still
19 begin construction, just can't make it
20 operational until the permit's issued; is that
21 correct?
22 MR. RICHARDSON: So, Laura, I would say
23 that in general I agree with what you're saying,
24 and I think what we're proposing will not change
25 that particular policy. But I would hesitate to

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1 declare that that -- that there is no possible
2 adjustments to that, and I would defer to legal
3 and our permitting management for the nuances.
4 But, in general, I would say, you are correct,
5 there will be no change in our policy regarding
6 minor construction permits.
7 MR. ELLIOTT: This is Greg Elliott. On
8 that, so if we decided to -- a company decided
9 to go ahead and start construction, the kicker
10 now is there is a public review of that permit.
11 So if they begin construction, then they are at
12 risk by the public making some comments that
13 could -- you know, could possibly start that up
14 due to public comment.
15 MR. RICHARDSON: Greg, I think you're
16 right. And I would state that we feel like our
17 current minor mod for Title V operating permits
18 has been a program that has served us well, but
19 we also need to be aware of our need to have EPA
20 approve our program and incorporate that into
21 the SIP. So you're exactly right, if the -- if
22 there are comments, and those comments are
23 substantive and some way forces us to make a
24 change in the permit, then there would be
25 additional risk the company would have, if

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1 The 45-day EPA review is really tied to
2 the Title V Operating Permit. But if you do all
3 of that review up front when you issue the
4 construction permit, you could use an
5 administrative amendment to incorporate it into
6 the operating permit and there's no additional
7 review necessary.
8 Now, what we're developing -- and these
9 are not part of the rule changes in front of you
10 today, these will be part of the changes we will
11 bring later. What we are developing is a
12 bifurcation of our process to allow either
13 traditional NSR, or what we've been doing all
14 along, which is EPA -- under EPA terms, enhanced
15 NSR.
16 So under traditional NSR, if a company
17 chooses to take that route, the initial permit,
18 the construction permit, will undergo 30-day
19 review and the public review process will
20 incorporate EPA. So EPA will be just like a
21 member of the public, able to make comments
22 during that 30-day review period. And then if
23 there are any substantive comments received,
24 we'll make adjustments to the permit and then
25 issue the permit. So that's an option that

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1 they -- they went ahead and put equipment in the
2 field and then there needed to be changes to
3 that equipment based on some comment that comes
4 in, that forces us to reevaluate the permitting
5 requirement. So you're right about that.
6 MR. ELLIOTT: Thank you, Tom.
7 MR. COLLINS: This is Gary Collins. So
8 I'm just curious what we expect the additional
9 time or lag to be. So EPA review and public
10 notice can run concurrent? I guess that's one
11 question. And then what do we anticipate the
12 additional time delay to be with this change?
13 MR. RICHARDSON: So those are -- those
14 are good questions, and I would like to, first
15 of, all address the idea of concurrent review.
16 So concurrent review for a construction
17 permit, or an NSR permit, is -- has been a part
18 of our program since before I started at the
19 DEQ. And the reason we're doing that is because
20 of what I referred to in the presentation as
21 enhanced NSR. So under enhanced NSR, the public
22 review of the NSR permit and EPA review of the
23 changes to the Title V operating permit, all of
24 that is moved to the front end. So all of that
25 occurs during the issuance of the NSR permit.

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1 we're calling traditional NSR.
2 There will still be the option to do
3 enhanced NSR, and that's where the concurrent
4 review comes into effect. So what most
5 companies do is ask us to run the public review
6 and the 45 day EPA review concurrently. If no
7 substantive comments are received by the public,
8 then at the end of the public review period,
9 there is that 15 day remaining part of the 45
10 day EPA review. At the end of that 45 day EPA
11 review period, if there are no substantive
12 comments coming from EPA, we're allowed to issue
13 the permit.
14 So the -- the stumbling block that will
15 add additional time is, if you're doing
16 concurrent review and we receive a substantive
17 public comment during that period, we have to
18 restart the clock. So in other words, after 30
19 days of public review, if we receive substantive
20 comments, we would have to actually restart the
21 clock after we address those comments and let
22 EPA have an additional 45-day review period.
23 So that really does add additional time
24 up front to the issuance of that enhanced NSR
25 permit. We recognize that and we are really

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1 working to try to expedite this process. And
2 this is going to be an adjustment for all of us,
3 and we're really going to need to stay focused
4 on these changes to make sure that we -- that we
5 address all the needs of our stakeholders.
6 MR. COLLINS: Thank you.
7 CHAIRMAN LAURA LODES: And so, Tom,
8 this is Laura Lodes. I'm looking at 252:4-7-13,
9 I guess this is (g) (6) or (g) (7), where it talks
10 about the public notice for Tier 1 applications.
11 And what I was talking about a minute ago, Minor
12 Source Permits, we don't really call a Tier 1 or
13 a Tier 2 in the Oklahoma Subchapter 7 rules
14 currently. And so there's no -- I would say
15 there's no mechanism in Subchapter 7 right now
16 to flip to -- flip you to Subchapter 4 and say
17 that we're going to do this 30-day public
18 notice.
19 I know we don't have Subchapter 7 in
20 today's rule packet. Is that a change that
21 we're looking to make to Subchapter 7 going
22 forward?
23 MR. RICHARDSON: Yes. Yes, it is.
24 CHAIRMAN LAURA LODES: Okay.
25 MR. RICHARDSON: Laura, I would say

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1 And, again, I would say Brooks is
2 really the one doing the heavy lifting on this,
3 and Brooks is the one that brought that to my
4 attention. So I was, again, like you, looking
5 at Chapter 100, Subchapter 7 and Subchapter 8,
6 and Brooks said I really need to focus on
7 Chapter 4 where a lot of the heavy lifting is
8 done with regard to these classifications.
9 CHAIRMAN LAURA LODES: Okay.
10 MS. BOTCHLET-SMITH: Do we have
11 additional questions from the council?
12 MR. KEELE: Yeah. Hey, this is Garry
13 Keele.
14 Tom, can you tell me, in your -- in
15 your presentation component of this you
16 mentioned that the agency has already kind of
17 taken on or changed some of the, what has in the
18 past, been policy or practice or procedure in
19 advance of this anticipated rule making. Can
20 you repeat that part? I'm trying to keep
21 straight what we're trying to change here and
22 what has already kind of been put in practice.
23 MR. RICHARDSON: Yeah, I'd be happy to
24 go over that again, and, certainly, that should
25 be clarified. So there are two -- I guess, two

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1 that I was on the same page with you, but Brooks
2 has pointed out that we have rule language
3 specifying what particular permitting actions
4 fall into the different tiers. So Tier 1 has
5 never required public notice or public review,
6 but all of our permitting actions have actually
7 been put into a tier except for -- except for
8 regulatory applicability determinations. But
9 all other permitting actions are classified in a
10 tier; it's just that Tier 1 required no public
11 review.
12 CHAIRMAN LAURA LODES: But that -- I'd
13 say that's true in Subchapter 8; it's Subchapter
14 7 I'm talking about for Minor Source Permits.
15 It never references a tier of Tier 1 or Tier 2
16 or anything like that in Supchapter 7. That's
17 what I'm specifically talking about.
18 MR. RICHARDSON: Okay. You're
19 certainly right about Subchapter 7. I guess I
20 would say Chapter 4 sets up all of the different
21 tiers and places all permitting actions within a
22 tier. And we also are not addressing, in the
23 rules that we've brought to you today, the
24 additional changes we're going to be proposing
25 to Chapter 4.

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1 different things that are going on, that we're
2 changing our rules. In one case, it's actually
3 a difference from our previous practice, and
4 that has to do with the initial Title 5 operating
5 permit.
6 So up until you received a letter from
7 EPA, we were allowing the construction permit to
8 undergo, what I've referred to today, as
9 enhanced NSR. So let's say you have a green
10 field facility. There's nothing there and you
11 want to construct a brand new facility that will
12 eventually be a Title V facility. Under our
13 previous process, when you submitted the
14 Subchapter 8 construction permit, that would
15 undergo 30-day public and 45 day EPA review.
16 And then when you incorporate that into
17 your very first Title V operating permit, you
18 could do that through an administrative
19 amendment, if there were no substantive changes
20 between the conditions in the construction
21 permit and those in the Title V operating
22 permit, and that's been our policy for years.
23 But that policy -- that is a deal
24 breaker with EPA, and so we have actually
25 changed our policy to conform with EPA

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1 requirements, and we did so on receipt of a
2 letter from EPA Region 6 indicating that that
3 was important that we -- that we do that. So
4 that part is now policy and we're adjusting our
5 rules to bring our rules in line with that
6 policy.

7 The second area is with regard to
8 moving from a Title V permit to a Synthetic
9 Minor Operating Permit, and that's been our
10 policy all along. I think Laura and I had some
11 back channel discussion on this, because Laura
12 raised the question, hey, if we didn't have to
13 go through Tier 2, why have I been doing this
14 all along? And our response is, no, that's been
15 our policy all along.

16 If you move from a Title V operating
17 permit to a Synthetic Minor Operating Permit,
18 you need to undergo Tier 2 public review. But
19 that's never been in our rules as a formal
20 requirement, it's been an internal policy. But
21 now, with the rule changes, we are proposing to
22 incorporate that policy into our rules proper,
23 and that's being done at EPA insistence. So
24 those are two issues that I think you're asking
25 about.

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1 states do as well, like Wyoming.

2 CHAIRMAN LAURA LODES: Gary, I know --
3 I know most other states, even for some time, a
4 majority of Minor NSR type stuff do require a
5 public notice period. A lot of them just post
6 it on their website.

7 MR. KEELE: Correct. Yeah. I mean,
8 I've seen it other places, but I just -- I was
9 just curious, I haven't exactly polled or done
10 testing on it, so thanks for the info.

11 MS. STEGMANN: Yeah, I know a lot of
12 states are, you know, are doing PBRs and GPs,
13 which it seems that seems to be where most
14 people are moving to. And I don't know how many
15 of the individual actions we will be having for
16 this, since most of our facilities, like oil and
17 gas, had -- will either use the GP or PBR.

18 CHAIRMAN LAURA LODES: Kendal, I know
19 we'll get asked. When are we going to get the
20 revised GP Phillip?

21 MS. STEGMANN: Pretty soon, from what I
22 hear.

23 CHAIRMAN LAURA LODES: Years later.

24 MS. STEGMANN: No.

25 MR. FIELDER: Yeah, Laura, this is

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1 MR. KEELE: Yeah, thanks. I appreciate
2 it. That -- I just wanted to make sure I had it
3 straight, from where we are now and what we're
4 trying to get to. I appreciate it.

5 MS. STEGMANN: Yeah, I'd like to add
6 something. I know Oklahoma's kind of been an
7 outlier on public review for Minor NSR. Most
8 other states do have public review for their
9 Minor NSR permitting actions, so -- and that's
10 why EPA has been working with us.

11 And we've had numerous meetings with
12 this. They're trying to bring us back in the
13 fold so we can have approvable SIP. But what
14 we're doing is not, you know, alien basically,
15 it just hasn't been done in Oklahoma. I know
16 everybody's a little bit spoiled with how we've
17 been doing things, but I think we're just going
18 to have to -- to get approval for SIP, we are
19 going to have to include Minor NSR public review
20 like other states already do.

21 MR. KEELE: Kendal, you said other
22 states, we're talking about under Region 6 or
23 pretty universally across the spectrum?

24 MS. STEGMANN: Pretty universally. But
25 I know New Mexico, Texas, and I know other

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1 Phil. The GP is in its final stages, believe it
2 or not. We had recent discussions of -- of
3 finishing the -- I know you've heard that before
4 probably, but this is actually the last -- I
5 would give it a month or so before it's probably
6 going to go to public review.

7 CHAIRMAN LAURA LODES: Will the
8 stakeholders get a chance to review it before it
9 goes back to public or are we going to just send
10 it to public again?

11 MR. FIELDER: No, we don't think
12 there's -- we think that there's not going to be
13 enough there that the stakeholders are going to
14 have issue that they couldn't address through
15 the public review, so that's our approach right
16 now.

17 CHAIRMAN LAURA LODES: Okay.

18 MS. BOTCHLET-SMITH: Any other
19 questions from the council on Chapter 4?

20 Okay. We'd like to give an opportunity
21 for the public to comment. Remember, you'll
22 need to let -- let the council know you'd like
23 to make a public comment. You must first use
24 the raise hand function on your device or press
25 *9 on your telephone keypad. The host will

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1 unmute you -- your line when it's your turn to
 2 speak, and you may also need to unmute yourself
 3 using the microphone icon or *6 on your keypad.
 4 Please remember to state your name and
 5 your affiliation before beginning your comment.
 6 You may also need to spell your name just for
 7 the record. And at this point, the host can
 8 begin to call on the first commenter. Do we
 9 have any comments from the public?
 10 MS. HAGENS: Right now I'm not seeing
 11 any raised hands, but we are going to give it a
 12 little bit just because people might be
 13 navigating to that button.
 14 So the raise hand function may be found
 15 under the participant's tab or under more
 16 meeting settings, either at the top right or the
 17 bottom of your screen, depending on your device.
 18 Still not seeing any hands. We'll give it a
 19 couple more seconds.
 20 So it appears no one is wanting to make
 21 a public comment. I haven't seen any hands
 22 raised, Beverly.
 23 MS. BOTCHLET-SMITH: Thank you,
 24 Christina. We would give the council one more
 25 opportunity to ask any questions before I pass

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1 MS. FIELDS: Dr. Delano?
 2 DR. DELANO: Yes.
 3 MS. FIELDS: Mr. Elliott?
 4 MR. ELLIOTT: Yes.
 5 MS. FIELDS: Mr. Keele?
 6 MR. KEELE: Yes.
 7 MS. FIELDS: Mr. Landers?
 8 MR. LANDERS: Yes.
 9 MS. FIELDS: Mr. Privrat?
 10 MR. PRIVRAT: Yes.
 11 MS. FIELDS: Mr. Taylor?
 12 MR. TAYLOR: Yes.
 13 MS. FIELDS: Ms. Lodes?
 14 CHAIRMAN LAURA LODES: Yes.
 15 MS. FIELDS: Motion passed.
 16 MS. BOTCHLET-SMITH: The next item on
 17 the agenda for day -- for today is item 5B.
 18 This is Chapter 100, Air Pollution Control,
 19 Subchapter 8, permits for part 70 sources and
 20 major New Source Review sources. Part 5,
 21 permits for part 70 sources, and amendments to
 22 252:100-8-4 and 252:100-8-7.2. And the
 23 presentation for this rule will also be given by
 24 Mr. Tom Richardson.
 25 MR. RICHARDSON: Thank you, Beverly.

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1 this over to Madam Chair for a motion.
 2 CHAIRMAN LAURA LODES: Do we have any
 3 additional comments from the council?
 4 Hearing no additional comments, the DEQ
 5 has recommended that we carry this rule forward.
 6 I -- until a later date. I do agree with this,
 7 but do we need a motion. Do I have a motion to
 8 carry this rule forward?
 9 MR. KEELE: Motion to carry.
 10 CHAIRMAN LAURA LODES: That was Garry
 11 Keele?
 12 MR. KEELE: Yeah, sorry. Garry Keele.
 13 I propose a motion to carry.
 14 MR. TAYLOR: Jeff Taylor. I second
 15 that motion.
 16 CHAIRMAN LAURA LODES: Yeah, I have a
 17 motion and a second. Would you please call
 18 roll?
 19 MS. FIELDS: Mr. Caves?
 20 MR. CAVES: Aye.
 21 MS. FIELDS: I'm sorry, Mr. Caves. I'm
 22 sorry.
 23 MR. CAVES: Yes.
 24 MS. FIELDS: Okay. Mr. Collins?
 25 MR. COLLINS: Yes.

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1 We're now on slide 28. Please turn in your
 2 packets to the Proposed Amendments to Rule Text
 3 in Chapter 100, Subchapter 8. Next slide.
 4 The additional text in Subsection A,
 5 Paragraph 1 brings our requirement for a
 6 construction permit more formally in line with
 7 EPA's requirements for New Source Review or NSR.
 8 The second change establishes that a
 9 construction permit would be required for a
 10 minor modification to allow a physical change or
 11 a change in the method of operation that results
 12 in an emission increase. Next slide.
 13 The changes to Subsection A, Paragraph
 14 1, Subparagraph E, clarify that an
 15 administrative amendment may be used to
 16 incorporate applicable requirements from a Tier
 17 2 construction permit to an existing, though not
 18 an initial, Title V permit. Next slide.
 19 That concludes my presentation of our
 20 proposed changes to Chapter 100, Subchapter 8.
 21 I would like to restate the staff's
 22 recommendations. Please feel free to discuss,
 23 comment and suggest changes to the proposed
 24 rules, but please postpone consideration of the
 25 rule changes until we meet in October. Thank

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1 you. I would now welcome questions and
2 comments.
3 MS. BOTCHLET-SMITH: Thank you, Tom.
4 Again, I'd like to remind you, to ensure the
5 public is able to listen to the council's
6 deliberation on this rule, all questions from
7 the council will be made audibly and we are not
8 activating the Zoom chat. That will not be
9 used.
10 Council, remind you also to unmute
11 yourself and to identify yourself before
12 speaking. Do we have any questions at this
13 time?
14 MR. KEELE: This is Garry Keele.
15 Actually, I have another question. Probably is
16 better suited for the previous discussion,
17 although they look a little related.
18 Is there any concern within the agency
19 that the tier process and statutory needs to be
20 updated or altered as part of this -- the update
21 getting ready for the SIP, or is it pretty much,
22 we think it's contained within our regulations
23 and we can kind of fit? Does that make sense?
24 MR. RICHARDSON: Yes. So we certainly
25 are careful to look at what the statute

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1 publication, it seems like at least one area
2 that might be right for a look at the statute
3 would be taken out, or at least evaluating the
4 ability to take out newspaper publication.
5 I'm not sure how that fits with
6 everything else, but it just seems it's going to
7 get -- well, it's going to be a little bit more
8 convoluted and difficult for the companies
9 having to do publications, so that was my --
10 just curious. Thanks for your input.
11 MR. RICHARDSON: Thank you.
12 MS. BOTCHLET-SMITH: Other questions
13 from the council?
14 Hearing none, we'd like to give another
15 opportunity for the public to comment on this
16 rule, Subchapter 8. I would also want to remind
17 you that if you do wish to comment, you need to
18 use the raise hand feature. I think you can see
19 that on the screen at this point.
20 For those of you on the phone, you
21 would need to press *9 on your telephone key
22 pad, and then the host in turn will unmute you
23 when it's your turn to speak. You may need to
24 unmute yourself using the microphone iPad --
25 icon or *6 on your keypad. You'll need to state

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1 requires, but we feel we can proceed to address
2 all of the deficiencies that EPA has raised,
3 that need to be addressed, without formally
4 modifying our statute. And if we did need to
5 modify our statute, that would raise additional
6 barriers to prompt the incorporation of these
7 changes into our SIP.
8 So to the degree we can, we've tried to
9 minimize the disruption in the process, and
10 that's why we've carved out these additional
11 changes to our Tier 1 process to allow public
12 review of some Tier 1 permitting actions.
13 And, again, we're trying to minimize
14 the additional burden by making all of those new
15 requirements exclusively web based, because the
16 tiered system, again, sets the requirements for
17 newspaper publication for Tier 2 and Tier 3
18 permitting actions. So rather than go back to
19 the legislature, I think we've tried to thread
20 the needle through rule language rather than
21 through statute.
22 MR. KEELE: Thanks. I guess my -- my
23 follow-up would be, does it -- if we were to go
24 forward, it seems like it would make sense for
25 moving to a web based approved system for

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1 your name and affiliation before speaking, and
2 you may need to spell your name for the record.
3 Do we have any commenters from the
4 public?
5 MS. HAGENS: Any members of the public
6 wishing to comment, you're now free to request
7 to speak by hitting the raise hand function.
8 Once again, this is found under the
9 participant's tab or More Meeting settings.
10 I'm not seeing any raised hands, but we
11 will give it a few more seconds.
12 It appears there are no public
13 participants wishing to make a comment, so I
14 will turn it back over to the protocol officer.
15 MS. BOTCHLET-SMITH: Thank you.
16 Hearing no comments from the public today on
17 either of these rules, I will give the Council
18 one more opportunity to ask Mr. Richardson
19 questions on Subchapter 8.
20 CHAIRMAN LAURA LODES: I have -- so one
21 thing I know of is, we've talked about there's
22 going to be more changes to Subchapter 8, and we
23 know we need changes to Subchapter 7 as well,
24 correct?
25 MR. RICHARDSON: Yes.

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1 CHAIRMAN LAURA LODES: Okay. I know
 2 that there's a lot more, and my understanding is
 3 we want this -- we want a final rule passed by
 4 January at the latest so it goes to the February
 5 environmental quality board, and then it can then
 6 go into this next legislative session to help
 7 with the SIP gap; is that also correct?
 8 MR. RICHARDSON: Yes, that is correct.
 9 CHAIRMAN LAURA LODES: Okay. I know
 10 there's a lot of work. I know the Zoom makes it
 11 I think awkward for some of the public to submit
 12 comments. We had talked about, before, having a
 13 special meeting. Do you think you would have
 14 more of Subchapter 8, and potentially parts of
 15 Subchapter 7 ready, if we were to do a public --
 16 a special meeting in late July?
 17 MR. RICHARDSON: Yes. In fact, I think
 18 that would give us an opportunity to lay out all
 19 of the changes we're proposing. And then with
 20 this -- with an additional special meeting, we
 21 would have an opportunity for additional
 22 discussion. And then when we bring the rules
 23 formally to council in October, I think we would
 24 have a complete package that had undergone
 25 additional back and forth, additional

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1 CHAIRMAN LAURA LODES: Okay.
 2 MR. CAVES: Laura, this is Matt. I
 3 would be available.
 4 MR. COLLINS: Gary Collins here. I
 5 will be available.
 6 CHAIRMAN LAURA LODES: Okay.
 7 DR. DELANO: Bob Delano, I should be
 8 available. July 22nd, correct?
 9 MR. PRIVRAT: John Privrat, I'll also
 10 be available.
 11 MR. ELLIOTT: Greg Elliott will be
 12 available.
 13 CHAIRMAN LAURA LODES: Okay. So it
 14 looks like, based on the general poll here,
 15 everybody but Garry Keele is available that day.
 16 I know, Kendal, you said that was the
 17 day that could work for you; Beverly, for the
 18 agency.
 19 So I do want to propose that we have a
 20 special meeting on July 22nd, as part of this.
 21 Now -- and I may or may not have gone out of
 22 order with Robert's Rules of Order here, but we
 23 do need a motion to carry this rule forward. So
 24 do I have a motion to carry forward the changes
 25 to Subchapter 8 as proposed today?

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1 stakeholder input, so I think that would be -- I
 2 think that would be an outstanding suggestion,
 3 Laura. Thank you.
 4 CHAIRMAN LAURA LODES: Okay. Then I
 5 know we're going to -- I know we need to vote on
 6 this rule package, but first I was going to say,
 7 with the discussion amongst the council, are
 8 y'all -- we do need a quorum. Are y'all
 9 available for a special meeting on July 22nd to
 10 discuss the full rule package and to do a
 11 special meeting?
 12 MR. LANDERS: Laura, this is Steve
 13 Landers. I am -- and I'm in full support of a
 14 special meeting. I think we need it to fully
 15 understand all the changes that are being made.
 16 MR. KEELE: Laura, this is Garry Keele.
 17 I am actually going to be out of state in an
 18 area that I cannot confirm if I would have good
 19 enough resources to certainly join by a Zoom. I
 20 could probably dial in, I would imagine, at
 21 minimum, but I will be a little bit limited in
 22 my capacity on the 22nd, that whole week.
 23 CHAIRMAN LAURA LODES: Okay.
 24 MR. TAYLOR: Laura, this is Jeff. I
 25 can be available.

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1 MR. KEELE: This is Garry Keele.
 2 Propose a motion to carry forward as proposed
 3 today.
 4 MR. LANDERS: Steve Landers. I'll
 5 second.
 6 CHAIRMAN LAURA LODES: Quiana, I have a
 7 motion to second. Would you please call roll?
 8 MS. FIELDS: Okay. I'm sorry. Who
 9 seconded it?
 10 CHAIRMAN LAURA LODES: That was Steve
 11 Landers.
 12 MS. FIELDS: Okay. Thank you.
 13 Mr. Caves?
 14 MR. CAVES: Yes.
 15 MS. FIELDS: Mr. Collins?
 16 MR. COLLINS: Yes.
 17 MS. FIELDS: Dr. Delano?
 18 DR. DELANO: Yes.
 19 MS. FIELDS: Mr. Elliott?
 20 MR. ELLIOTT: Yes.
 21 MS. FIELDS: Mr. Keele?
 22 MR. KEELE: Yes.
 23 MS. FIELDS: Mr. Landers?
 24 MR. LANDERS: Yes.
 25 MS. FIELDS: Mr. Privrat?

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1 MR. PRIVRAT: Yes.
 2 MS. FIELDS: Mr. Taylor?
 3 MR. TAYLOR: Yes.
 4 MS. FIELDS: Ms. Lodes?
 5 CHAIRMAN LAURA LODES: Yes.
 6 MS. FIELDS: Motion passed.
 7 CHAIRMAN LAURA LODES: And I know
 8 Madison's on here somewhere, and Kendal. Do we
 9 need -- if we're going to call for a special
 10 meeting on July 22nd, I think I'd asked this
 11 before, do we need to vote on that date? Or
 12 what do you need to do, since we have the
 13 council agreeable, or is that enough?
 14 MS. MILLER: This is Madison Miller.
 15 That is enough. If you want to vote, you can.
 16 There's no reason that you couldn't, but the
 17 Chair can call the special meeting. And you
 18 guys, you know, all are agreeable to the date,
 19 so that is enough.
 20 CHAIRMAN LAURA LODES: If that's
 21 sufficient, then as the Chair of the Air Quality
 22 Advisory council, I'd like to call for a special
 23 meeting on July 22nd to discuss these rules
 24 further.
 25 Beverly, I'll let you move on down the

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1 Good morning, Madam Chair, members of
 2 the council, ladies and gentlemen. Before I
 3 continue on, I did want to express thanks to Tom
 4 Richardson for the work he's done and for the
 5 presentation and handling the questions. I
 6 didn't think jumping in on anything was -- I
 7 could have added, so I appreciate that.
 8 Regarding today's -- if I can get next
 9 slide. The department is proposing to amend
 10 several requirements in Chapter 110, lead based
 11 paint management, including the renovation,
 12 repair and painting rule, or RRP rule. The lead
 13 based paint and RRP rules, which are federal
 14 programs delegated to the State, establish
 15 standards with accreditation, training,
 16 certification and record keeping requirements
 17 for persons performing lead based paint
 18 abatement projects and other renovations for
 19 compensation and housing built before 1978,
 20 referred to as Target Housing in child occupied
 21 facilities.
 22 The lead based paint or LBP program is
 23 critical because there's no safe level of
 24 exposure to lead. And many of those who are
 25 most likely to be exposed are members of

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1 agenda now.
 2 MS. BOTCHLET-SMITH: Well, the next
 3 item on the agenda is 5C. This is Chapter 110,
 4 and it's our lead based paint management rules.
 5 There are a number of sections opened,
 6 Subchapter 3, Definitions, 252:110-3-1 for an
 7 amendment.
 8 Subchapter 5, Incorporation by
 9 Reference, 252:110-5-1, for an amendment.
 10 Subchapter 9, Additional Accreditation
 11 Requirements, 252:110-9-1.2. That's new
 12 Subchapter 11, Additional lead Based Paint
 13 Certification Requirements, 252:110-11-7.1, new
 14 Subchapter 13, additional work practice
 15 standards, 252:110-13-7, also new.
 16 Subchapter 15, Additional Renovation,
 17 Repair and Painting, also known as our RRP
 18 program, and requirements for that. And under
 19 that we have 252:110-15-3.1, new; 252:110-15-4,
 20 amended; and 252:110-15-5.
 21 The presentation for this rule will be
 22 given by Mr. Brooks Kirlin, a professional
 23 engineer in our rules and planning section.
 24 Brooks.
 25 MR. KIRLIN: Thank you, Bev.

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1 disadvantaged communities and are the most
 2 vulnerable to its effects, young children living
 3 or being cared for in older housing or other
 4 facilities. Next slide, please.
 5 The two most significant changes we're
 6 proposing are to update the dust-lead hazard and
 7 clearance levels and to add provisions to
 8 implement Oklahoma's military reciprocity bill.
 9 We are also proposing to update the
 10 incorporations by reference section and to make
 11 various clarifications, updates and corrections
 12 to existing language.
 13 At the risk of skipping around a bit in
 14 the proposed rule, I would like to cover the two
 15 significant changes first and then go through
 16 the additional, less significant changes in
 17 order. Next slide.
 18 The main impetus for this rule change
 19 is that the US Environmental Protection Agency
 20 lowered its dust-lead hazard levels in 40 CFR,
 21 Section 745.227(h) following a court decision.
 22 EPA requires that the DEQ, under our delegated
 23 obligations, to incorporate the hazard level
 24 changes into our rules by January 6th, 2022. We
 25 would accomplish this change by updating the

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1 incorporation by reference date in Section
2 252:110-5-1.

3 The court decision did not address
4 clearance levels, and EPA has not, as yet,
5 updated the clearance levels in 40 CFR, Section
6 745:227(e). This could potentially lead to a
7 situation where an abatement project in Oklahoma
8 could remove the bulk of the old lead based
9 paint but leave behind dust at levels that are
10 harmful. Therefore, we are proposing a new
11 Section 110-13-7 which would specify LBP
12 abatement project clearance levels for lead in
13 dust, rather than leaving EPA's old clearance
14 levels incorporated by reference. Next slide.

15 The clearance levels we are proposing
16 in the new Section 110-13-7 are intended to
17 parallel EPA's revised dust-lead hazard levels
18 and the clearance levels that are already being
19 used by the US Department of Housing and Urban
20 Development's Office of Healthy Homes and Lead
21 Hazard Control.

22 Because DEQ has determined that the
23 dust-lead clearance levels included in the
24 proposed Section 110-13-7 are more stringent
25 than the current levels in the corresponding

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1 to a couple of definitions in Section 100-3-1.
2 I realize that several of the following slides
3 are very busy, but their main purpose is to help
4 you navigate through your copy of the proposal
5 to the changes as I mentioned them. Next slide,
6 please.

7 Next in Section 110-5-1, we are
8 proposing to update the date for incorporation
9 by reference of federal requirements, excluding
10 a few additional provisions that are no longer
11 appropriate or relevant. Next slide, please.

12 And adding a few clarifying phrases.
13 Next slide.

14 In Subchapter 9 we are adding a new
15 Section 110-9-1.2 to clarify certification
16 documentation requirements. Next slide, please.

17 Finally, for the RRP requirements in
18 Subchapter 15, we are proposing to add a new
19 Section 3.1. Next slide, please.

20 And to significantly reword Sections 4.
21 Next slide. And Section 5, to update and
22 clarify the requirements. Next slide.

23 As I previously mentioned, we are
24 adding language to implement the military
25 reciprocity provisions to the RRP requirements

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1 federal rule, we have prepared an economic
2 impact and environmental benefit statement as
3 required. A copy is included in the council
4 packet. Next slide, please.

5 The second significant change we are
6 proposing is to Subchapter 11, which would add a
7 new Section 110-11-7.1 to lay out provisions
8 implementing Oklahoma's military reciprocity
9 bill, called the Military Service Occupation
10 Education and Credentialing Act.

11 The new section provides that any
12 active duty military and/or their spouse who are
13 already certified by another state as an LBP
14 contractor may request a reciprocal
15 certification from DEQ when they are transferred
16 or discharged from the military to Oklahoma.
17 This would allow them to continue working as a
18 LBP contractor with no or at least fewer delays
19 or fees. Similar provisions have been made in
20 the Subchapter 15 RRP requirements. Next slide,
21 please.

22 Now, going back -- going more quickly
23 through the additional, we believe less
24 significant, changes in order. I'll start back
25 on page one of the rule proposal, with updates

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1 in Subchapter 15, in Section 14, for individual
2 renovators -- next slide -- and Section 5, for
3 those applying as a renovation firm. Next
4 slide, please.

5 Next notice of the proposed changes was
6 published in the Oklahoma Register on May 15th,
7 2020, and comments were requested from members
8 of the public. No comments on the proposal have
9 been received. This is the first time this
10 proposal has been presented to the council for
11 consideration.

12 Due to the uncertainty during the early
13 stages of the pandemic, our rule making notice
14 for Chapter 110 stated that we would have a room
15 available for the public at DEQ. This was later
16 determined to not be advisable since the DEQ
17 building is still closed except by appointment
18 only.

19 In order to ensure that the public has
20 had full participation access and to collect
21 additional comments and feedback, we are not
22 requesting the council to recommend the rule to
23 the board at this time. Therefore, staff asks
24 that the council carry over the proposed rules
25 to the next regular council meeting scheduled

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1 for October 21st. As I mentioned, at that time
2 it will -- it will then be important to move a
3 proposal -- a proposal forward, since EPA
4 expects DEQ to update the hazard level changes
5 in our rules by January 6th, 2020. Thank you.
6 MS. BOTCHLET-SMITH: Once again, I
7 would like to remind you, to ensure the public
8 is able to listen to the council's deliberation
9 on this rule, all questions from the council
10 will be made audibly and the chat features in
11 Zoom will not be used.
12 Council members, I'd also like to
13 remind you one more time to unmute yourself
14 before speaking and identify yourself.
15 Do we have any questions for Mr. Kirlin
16 on this rule?
17 MR. KEELE: This is Garry Keele.
18 Brooks, I believe you just ended by saying it
19 was due January 6th of 2020. Did we mean 2021
20 or '2?
21 MR. KIRLIN: 2022. Sorry.
22 MR. KEELE: That's okay.
23 CHAIRMAN LAURA LODES: Brooks -- go
24 ahead, Garry.
25 MR. KEELE: I was going to just follow

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1 MS. SCHULTZ: This is Dara Schultz. We
2 haven't been given any indication of when
3 they're going to proceed changing their
4 clearance levels.
5 CHAIRMAN LAURA LODES: So with the
6 concern -- and I understand the concern if you
7 don't want to have something in there that's
8 less stringent than EPA standards and then have
9 an issue with noncompliance, but you said you
10 changed from incorporating by reference. Would
11 it make more sense on here, on this section for
12 clearance levels, to just reference EPA rules so
13 for now they match, I'll say, a less stringent
14 set of standards, and then as EPA -- if EPA
15 tightens them down, we match those in the
16 future?
17 MR. KIRLIN: Well, I think we looked at
18 different options, and it -- the current
19 clearance levels are higher than the hazards
20 levels, so it appears that it could result in
21 doing a project and leaving it more -- more
22 dangerous, in a sense, than it was before they
23 started the project.
24 EPA has, in the past, you know, set
25 levels based partly on achievability or checked

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1 up and say, in reading the rationale for the --
2 going above what the federal standards are,
3 looks like we're trying to match that. That
4 puts us ahead of EPA. Am I reading that
5 correctly?
6 MR. KIRLIN: That's correct. Our
7 understanding is that EPA is moving towards
8 adjusting their -- their clearance levels, but
9 they have not acted yet.
10 MR. KEELE: Thank you.
11 CHAIRMAN LAURA LODES: So this is Laura
12 Lodes. That was going to be my question, was
13 why are we going more stringent from EPA, but I
14 was also trying to follow that it looked like
15 HUD had the more stringent levels. Do you have
16 any kind of an idea on the timeline? I know
17 we're going to look at doing this in October.
18 Do we have a timeline on when EPA may look at
19 those levels?
20 MR. KIRLIN: I don't think we have
21 anything that precise. I think someone else in
22 the -- I'm not sure whether Dara would have an
23 idea on that. Dara Schultz has been working in
24 the lead based paint program, and she's been
25 very helpful.

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1 achievability, and their -- their notice
2 indicated that, indeed, that was -- they felt
3 those levels that we have proposed are
4 achievable, but they have not actually gone to
5 the step of changing them. And because the --
6 in the HUD's program that does cover many of the
7 projects that would need to meet the clearance
8 levels, and they are being required to cover --
9 or meet the clearance levels that we're -- that
10 we've proposed.
11 MS. STEGMANN: Yeah, Laura, this is
12 Kendal. We believe overall this was an
13 oversight by EPA, and we just want to be on the
14 side of public health, and we think that this
15 would be for the protection to public health if
16 we went ahead and proceeded with these rules.
17 CHAIRMAN LAURA LODES: Okay. And --
18 and I'm worried about that too, Kendal. That's
19 why I'm, as honestly, worried about us being
20 less stringent than more stringent, but I'm also
21 questioning, if we put these in and then EPA
22 comes back with something even lower, do we
23 then -- I know then we'll have to reopen our
24 rules. Are we going to end up with something
25 that's not protective enough, essentially

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1 speaking?

2 MS. STEGMANN: I mean, that is always

3 the risk, but I don't -- since we don't know the

4 timelines for EPA, I would just, you know,

5 proceed on what we're proposing, and then at a

6 later date, if we have to open it again, then we

7 do so. But I just -- you know, being on the

8 side of public health, I think we should go

9 ahead and move forward.

10 CHAIRMAN LAURA LODES: Okay. And HUD

11 was (inaudible) --

12 MS. STEGMANN: Your audio went out.

13 CHAIRMAN LAURA LODES: Hello, Kendal.

14 Can you all hear me?

15 MS. STEGMANN: Yes, we can hear you

16 now.

17 CHAIRMAN LAURA LODES: I was trying to

18 clarify on what the different levels of

19 standards. Was HUD the most stringent of the

20 standards?

21 MS. STEGMANN: Brooks or Dara, do you

22 want to handle that question?

23 MR. KIRLIN: I am not sure. I mean,

24 obviously, the HUD numbers are more stringent

25 than what's in the current EPA clearance levels.

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1 change in their federal rule would not

2 correspondingly update in our rule.

3 CHAIRMAN LAURA LODES: Oh, okay.

4 Because we'd still have to go off a version of

5 EPA rules, correct?

6 MS. FOSTER: That is correct.

7 CHAIRMAN LAURA LODES: Okay. Okay. So

8 that's why -- I just wanted to understand the

9 logic for the HUD. But if the HUDs are the ones

10 that make the most sense to protect, then, you

11 know, that (inaudible) -- do we have further

12 questions?

13 (At which time, the court reporter

14 interjected due to lack of clarity on audio.)

15 CHAIRMAN LAURA LODES: I think some of

16 it may be Gary's phone, but I think Gary has a

17 question.

18 MR. KEELE: I do, yeah. I apologize if

19 I'm causing a problem. The -- regarding the --

20 do you have any idea of how many builders,

21 developers, et cetera, are already complying

22 with the HUD standards?

23 MR. KIRLIN: I'm not sure if we put

24 together those numbers.

25 Dara, would you have any type of idea

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1 I'm -- I'm not sure that there's been a search

2 through all of the -- I'm not sure that there

3 are other clearance levels that are -- but --

4 CHAIRMAN LAURA LODES: Okay. I -- you

5 had a slide up, and then I wasn't fast enough at

6 writing before the slide moved away --

7 MR. KIRLIN: That's -- I'm trying to

8 find -- that would be slide 38, if Malcolm --

9 CHAIRMAN LAURA LODES: Thank you.

10 MR. KIRLIN: Malcolm -- right. I'm

11 sorry. Down a couple more. One more, slide 40.

12 CHAIRMAN LAURA LODES: There we go,

13 yes.

14 MR. KIRLIN: There you go.

15 CHAIRMAN LAURA LODES: Yeah, I was

16 trying -- that's the slide I was trying to write

17 my notes, and I wasn't fast enough.

18 MR. KIRLIN: Right.

19 MS. FOSTER: Laura, this is Melanie

20 Foster. I just wanted to speak to a comment

21 though you made a second ago, which is, can we

22 not just IBR it, and then when EPA makes the

23 change, it will be identical? We cannot do

24 that, because we can't do prospective rule

25 making. So, therefore, whatever EPA would

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1 on those?

2 MS. SCHULTZ: This is Dara Schultz. We

3 don't have those numbers calculated, but the

4 individuals that would use that now are the ones

5 that are the HUD Lead Hazard Control in Healthy

6 Homes grantees. So if they're under that

7 program, that's what they're required to follow,

8 but we don't have the numbers right now.

9 MS. MILLER: And this is Madison

10 Miller. I think with this rule making we were

11 kind of hoping to hear from, you know, the

12 people who are affected by this and learn more

13 about it, which is another reason to carry it

14 forward into the future so that we can hear from

15 them.

16 MR. KEELE: Thanks. That's what I

17 was -- this is Garry Keele again. That's what I

18 was kind of looking for, if the folks impacted

19 were already complying with the HUD level, how

20 much of a difference it would be, for this to be

21 more stringent. Thank you.

22 MS. BOTCHLET-SMITH: If we don't have

23 any other questions from the council, this might

24 be a good time to see if we have input from the

25 public on this rule. I would like to remind you

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1 one more time that -- members of the public, to
2 let the council know you want to make a public
3 comment, you're going to need to use the raise
4 hand function on your device.
5 For those of you who can see the
6 screen, these instructions are posted. For
7 those of you on the phone, you will need to
8 press *9 on your telephone keypad. The host
9 will unmute you when it's your turn to speak.
10 You may also need to unmute yourself using the
11 microphone icon or *6 on your keypad. We'd ask
12 for you to state your name and your affiliation,
13 and the host will call upon the first commenter
14 at this time.
15 Christina, do we have any commenters?
16 MS. HAGENS: We do not appear to have
17 any hands raised, but we will allow people to
18 navigate to the raise hand button. Once again,
19 this can be found in the participant's tab or
20 under More Meeting settings, depending on your
21 device. Just a reminder that if you are calling
22 in, please press *9 to raise your hand.
23 Last call for any public commenters. I
24 am not seeing any hands, and it appears no one
25 is wishing to make a public comment at this

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1 motion and a second. Would you please call
2 roll?
3 MS. FIELDS: Mr. Caves?
4 MR. CAVES: Yes.
5 MS. FIELDS: Mr. Collins?
6 MR. COLLINS: Yes.
7 MS. FIELDS: Dr. Delano?
8 DR. DELANO: Yes.
9 MS. FIELDS: Mr. Elliott? Mr. Elliott?
10 Mr. Elliott?
11 CHAIRMAN LAURA LODES: Did we lose him?
12 MR. ZACHARIAH: Hold on.
13 MS. FIELDS: He raised his hand.
14 MR. ZACHARIAH: Sorry. No, I did that.
15 He should be unmuted.
16 MS. FIELDS: Mr. Elliott?
17 MR. ELLIOTT: Yes.
18 MS. FIELDS: Okay.
19 MR. ELLIOTT: Yes.
20 MS. FIELDS: Okay. Mr. Keele?
21 MR. KEELE: Yes.
22 MS. FIELDS: Mr. Landers?
23 MR. LANDERS: Yes.
24 MS. FIELDS: Mr. Privrat?
25 MR. PRIVRAT: Yes.

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1 time, so I will turn it back over to the
2 protocol officer.
3 MS. BOTCHLET-SMITH: Thank you very
4 much. Council, it appears we have no public
5 comments on this rule. If you have any
6 additional questions, this would be the time to
7 address those to Mr. Kirlin.
8 CHAIRMAN LAURA LODES: Hearing no
9 additional comments or questions from the
10 council, the DEQ has recommended that we carry
11 this rule forward to a later meeting. Do I have
12 a motion?
13 MR. PRIVRAT: This is John Privrat.
14 I'd make a motion.
15 CHAIRMAN LAURA LODES: Do I have a
16 second?
17 MR. KEELE: Garry Keele, second that.
18 CHAIRMAN LAURA LODES: Quiana, I have a
19 motion and a second --
20 (At which time, there was a cell phone
21 interruption to the meeting.)
22 MS. BOTCHLET-SMITH: I would remind you
23 to mute your phone if you're not speaking.
24 Thank you.
25 CHAIRMAN LAURA LODES: Quiana, I have a

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1 MS. FIELDS: Mr. Taylor?
2 MR. TAYLOR: Yes.
3 MS. FIELDS: Ms. Lodes?
4 CHAIRMAN LAURA LODES: Yes.
5 MS. FIELDS: Motion passed.
6 MS. BOTCHLET-SMITH: That concludes the
7 hearing portion of today's meeting. Madam
8 Chair, the meeting is yours.
9 (At which time, the Air Quality
10 Advisory Council hearing concluded.)
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C E R T I F I C A T E

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STATE OF OKLAHOMA)

)

COUNTY OF TULSA)

I, Tammie Shipman, Certified Shorthand Reporter
in and for the State of Oklahoma, do hereby certify
that the foregoing proceedings are a true and correct
transcript of the record of the machine shorthand
notes taken by me and transcribed into written form
under my supervision, direction and control.

I further certify that I'm neither related to nor
attorney for any interested party in the named action,
nor otherwise interested in the outcome of said
action.

WITNESS MY HAND, this 2nd day of July, 2020.

Tammie Shipman

Tammie Shipman

Shorthand Reporter

CSR #1564