

REGULAR MEETING/HEARING AGENDA
AIR QUALITY ADVISORY COUNCIL
October 20, 2021, 9:00 a.m.
Department of Environmental Quality
707 North Robinson Avenue
Oklahoma City, OK

Please turn off cell phones

- 1. Call to Order** – Laura Lodes, Chair
- 2. Roll Call** – Quiana Fields
- 3. Approval of Minutes** – June 16, 2021 Regular Meeting
- 4. Meeting Schedule for Calendar Year 2022** – Discussion and action by Council
- 5. Public Rulemaking Hearing**
 - A. Chapter 100. Air Pollution Control**
Subchapter 2. Incorporation by Reference [AMENDED]
Appendix Q. Incorporation by Reference [REVOKED]
Appendix Q. Incorporation by Reference [NEW]

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

1. Presentation – Christina Hagens, EPS, Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

- B. Chapter 100. Air Pollution Control**
Subchapter 1. General Provisions
Subchapter 7. Permits for Minor Facilities
Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

The Department is proposing to amend OAC 252:100, Subchapters 1, 7, and 8, to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the construction permit. The Department is also proposing to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS.

1. Presentation – Madison Miller, Supervising Attorney, Legal Division
2. Questions and discussion by the Council

3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

C. Chapter 100. Air Pollution Control
Subchapter 13. Open Burning

The Department is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules with Senate Bill 246 (2021) and 27A Okla. Stat. (O.S.) § 2-5-130.

1. Presentation – Leon Ashford, EPS, Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

D. Chapter 100. Air Pollution Control
Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills

The Department is proposing to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills to incorporate the federal guidelines in 40 C.F.R. Part 60, Subpart Cf into the state rules. Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan.

1. Presentation – Malcolm Zachariah, EPS, Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

- 6. Division Director's Report** - Kendal Stegmann, Division Director, AQD
- 7. New Business** - Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.
- 8. Adjournment** - The next regular meeting is tentatively scheduled for Wednesday, January 19, 2022, in Oklahoma City, Oklahoma.

Should you have a disability and need an accommodation, please notify the DEQ Air Quality Division three days in advance at 405-702-4177. Hearing impaired persons may call the text telephone (TDD) Relay Number at 1-800-722-0353 for TDD machine use only.

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:100-1-3 [AMENDED]

Subchapter 2. Incorporation by Reference

252:100-2-3 [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1 [AMENDED]

252:100-7-2 [AMENDED]

Part 3. Construction Permits

252:100-7-15 [AMENDED]

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]

Subchapter 13. Open Burning

252:100-13-7 [AMENDED]

252:100-13-8 [AMENDED]

252:100-13-8.1 [AMENDED]

Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills

252:100-47-2 [AMENDED]

252:100-47-3 [AMENDED]

252:100-47-5 [AMENDED]

252:100-47-6 [AMENDED]

252:100-47-7 [AMENDED]

252:100-47-8 [AMENDED]

252:100-47-9 [AMENDED]

252:100-47-10 [AMENDED]

252:100-47-11 [AMENDED]

252:100-47-12 [AMENDED]

252:100-47-13 [AMENDED]

252:100-47-14 [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to revoke and replace Oklahoma Administrative Code (OAC) 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 60, 61, and 63.

The Department is proposing to amend OAC 252:100, Subchapters 1, 7, and 8, to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the construction permit. The Department is also proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS.

The Department is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules to statutory changes enacted in the 2021 legislative session. Senate Bill 246 (2021) changed 27A Okla. Stat. (O.S.) § 2-5-130 to only require an air curtain incinerator (ACI) be used in counties or areas within a county that are or have been designated nonattainment or where an ambient air quality monitor has documented a violation of the National Ambient Air Quality Standards (NAAQS), or those counties with a population of greater than 500,000. The gist of this rulemaking is to implement the above-mentioned statutory changes to restrict the areas where an ACI is required for land clearing operations, or the burning of clean wood waste or yard brush.

The Department proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to incorporate new federal guidelines into the state rules. The proposed rule would implement the provisions of 40 C.F.R. Part 60, Subpart Cf, the federal emission guidelines published by EPA in the Federal Register on August 29, 2016 (81 FR 59313). Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rules affect municipal solid waste (MSW) landfills that commenced construction, modification, or reconstruction before July 17, 2014 and accepted waste after November 8, 1987, including closed landfills. Landfill gas collection and control systems will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters which have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year.

AUTHORITY:

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

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

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

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 15, 2021, through October 15, 2021. Oral comments may be made at the October 20, 2021 Air Quality Advisory Council meeting and at the November 9, 2021 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 20, 2021, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

In the event a state of emergency is declared by the Governor to respond to COVID-19, and, therefore, the provisions of 25 O.S. § 307.1(C) become applicable, the meeting will be before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 20, 2021, via videoconference or teleconference in compliance with the Open Meetings Act, 25 O.S. § 307.1(C) as amended by SB 1031 (2021). Members of the Council and public may attend via videoconference or teleconference. Videoconference or teleconference details may be obtained from the contact person or online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/> when the agenda of the hearing is published at least 24 hours prior to the meeting.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, November 9, 2021, at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or in the event of sufficient improvement of the current public health situation, at the Tri County Tech, 6101 SE Nowata Rd., Bartlesville, OK 74006. If necessary, the Environmental Quality Board meeting may take place at the specified date and time via videoconference or teleconference in compliance with the Open Meetings Act, 25 O.S. § 307.1(C) as amended by SB 1031 (2021), if a state of emergency is declared by the Governor to respond to COVID-19 and therefore said provisions of the Open Meetings Act are applicable. Videoconference, teleconference, or change of venue details may be obtained thirty (30) days prior to the meeting date from the contact person or obtained online at <https://www.deq.ok.gov/council-meetings/environmental-quality-board/> for the Environmental Quality Board meeting.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 C.F.R. § 51.102 and 27A O.S. § 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 C.F.R. Part 70 and 27A O.S. § 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. § 303(D), a rule impact statement was prepared and is available on the DEQ website at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>. Copies may also be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Melanie Foster, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. The Air Quality Division fax number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4177. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

DRAFT MINUTES
AIR QUALITY ADVISORY COUNCIL
June 16, 2021
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at October 20, 2021 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on June 16, 2021. Notice of the meeting was forwarded to the Office of Secretary of State on November 4, 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 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

Matt Caves
Robert Delano
Gregory Elliott
Garry Keele II
Steve Landers
John Privrat
Laura Lodes

Members Absent
Gary Collins
Jeffrey Taylor

DEQ STAFF PRESENT

Kendal Stegmann
Beverly Botchlet-Smith
Cheryl Bradley
Melanie Foster
Madison Miller
Brooks Kirlin
Phillip Fielder
Kathy Aebischer
Travis Couch
Tom Richardson
Michelle Wynn

Cooper Garbe
Malcolm Zachariah
Lloyd Kirk
Quiana Fields

OTHERS PRESENT

Lori Roberts, Court Reporter

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the October 21, 2020 Regular Meeting and the November 12, 2020 Continued meeting. Mr. Keele moved to approve and Mr. Elliott made the second.

See transcript pages 3 - 5

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	John Privrat	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele II	Yes		

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

See transcript pages 5 - 7

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

Mr. Landers nominated Mr. Keele as Vice-Chair and Mr. Caves made the second.

See transcript pages 7 - 8

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

Chapter 100. Air Pollution Control

Subchapter 7. Permits for Minor Facilities

Part 3. Construction Permits

252:100-7-15. [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

252:100-8-36.1. [AMENDED]

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

252:100-37-16. [AMENDED]

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

Part 7. Specific Operations

252:100-39-45. [AMENDED]

Ms. Melanie Foster, Manager, Rules & Planning Section of the AQD, stated the Department is proposing to make revisions in Subchapters 7, 8, 37 and 39 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). The Department is proposing to correct the rule and statute references in OAC 252:100-8-36.1 to the proper legal form. The Department is proposing to add an exemption to OAC 252:100-37-16(c) to formalize the Department's interpretation that loading operations from condensate tanks at natural gas compressor stations are not considered loading facilities for the purposes of this at natural gas compressor stations are not considered loading facilities for the purposes of this section. In OAC 252:100-39-45, the Department is proposing to correct the approval process for facilities that incinerate petroleum solvent dry cleaning filters and to remove the outdated compliance schedule. The gist of this rule proposal and the underlying reason for the rulemaking is to remove outdated rule language and/or provide regulatory clarity. Hearing no questions by the Council and none by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Dr. Delano made the second.

See transcript pages 9 - 16

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	John Privrat	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele II	Yes		

Chapter 100. Air Pollution Control

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

252:100-8-36.2. [AMENDED]

Mr. Richardson, P.E., Rules & Planning Section of the AQD, stated the Department is also proposing to amend the source obligation provisions for facilities subject to prevention of significant deterioration (PSD) in OAC 252:100-8-36.2 to more closely align Oklahoma's rules with the U.S. Environmental Protection Agency (EPA) rules in 40 C.F.R. § 51.166(r). This proposed rulemaking is in response to requests from industry to add the "reasonable possibility" provisions. The gist of the proposed rules and the underlying reasons for the revisions are to make Oklahoma's PSD source obligation provisions more similar to EPA's provisions, thereby

reducing the recordkeeping burden on Oklahoma's permitted PSD facilities. Following questions by the Council and by the public, Ms. Lodes called for a motion, Mr. Landers moved to approve and Mr. Caves made the second.

See transcript pages 17 - 33

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	John Privrat	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele II	Yes		

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

See transcript pages 33

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

Presentation – Ms. Kathy Aebischer, Assistant Division Director 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. Elliott moved to approve and Mr. Keele made the second. The next scheduled regular meeting is on Wednesday, October 20, 2021 in Oklahoma City.

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	John Privrat	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele II	Yes		

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

AQAC Public Meeting - June 16, 2021

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<p>1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p>2 AIR QUALITY ADVISORY COUNCIL</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 AQAC PUBLIC MEETING</p> <p>10 June 16, 2021 - 9:00 a.m.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Reported by: Lori Roberts, CSR No. 1588</p>	<p>1 (Meeting called to order at 9:00 a.m.)</p> <p>2 MS. LODES: We will call today's meeting --</p> <p>3 regular meeting of the Air Quality Advisory Council</p> <p>4 to order.</p> <p>5 Quiana, will you please call roll?</p> <p>6 MS. FIELDS: Mr. Caves?</p> <p>7 MR. CAVES: Present.</p> <p>8 MS. FIELDS: Mr. Collins is absent.</p> <p>9 Dr. Delano?</p> <p>10 DR. DELANO: Present.</p> <p>11 MS. FIELDS: Mr. Elliott?</p> <p>12 MR. ELLIOTT: Present.</p> <p>13 MS. FIELDS: Mr. Keele?</p> <p>14 MR. KEELE: Present.</p> <p>15 MS. FIELDS: Mr. Landers?</p> <p>16 MR. LANDERS: Present.</p> <p>17 MS. FIELDS: Mr. Privrat?</p> <p>18 MR. PRIVRAT: Present.</p> <p>19 MS. FIELDS: Mr. Taylor is absent.</p> <p>20 Ms. Lodes?</p> <p>21 MS. LODES: Present.</p> <p>22 MS. FIELDS: We have a quorum.</p> <p>23 MS. LODES: Thank you. The next item on</p> <p>24 today's agenda is approval of the minutes from the</p> <p>25 October 21, 2020, regular meeting and the November</p>
Page 2	Page 4
<p>1 COUNCIL MEMBERS PRESENT</p> <p>2</p> <p>3 MS. LAURA LODES, CHAIRMAN</p> <p>4 MR. MATT CAVES</p> <p>5 DR. ROBERT DELANO</p> <p>6 MR. GREGORY ELLIOT</p> <p>7 MR. GARRY KEELE, II</p> <p>8 MR. STEPHEN LANDERS</p> <p>9 MR. JOHN PRIVRAT</p> <p>10 MR. GARY COLLINS, Absent</p> <p>11 MR. JEFFREY TAYLOR, Absent</p> <p>12</p> <p>13 Also Present:</p> <p>14 Ms. Quiana Fields, Secretary of Board and Council</p> <p>15 Ms. Beverly Botchlet-Smith</p> <p>16 Ms. Kendal Stegmann</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 12, 2020, continued meeting. Do we have any comments</p> <p>2 on the minutes?</p> <p>3 Seeing no comments on the minutes, do we have</p> <p>4 a motion to approve the minutes?</p> <p>5 MR. KEELE: Motion to approve.</p> <p>6 MS. LODES: Do I have a second?</p> <p>7 MR. ELLIOT: I'll second.</p> <p>8 MS. LODES: I have a motion and a second.</p> <p>9 Quiana, will you please call roll.</p> <p>10 MS. FIELDS: Mr. Caves?</p> <p>11 MR. CAVES: Yes.</p> <p>12 MS. FIELDS: Dr. Delano?</p> <p>13 DR. DELANO: Yes.</p> <p>14 MS. FIELDS: Mr. Elliott?</p> <p>15 MR. ELLIOTT: Yes.</p> <p>16 MS. FIELDS: Mr. Keele?</p> <p>17 MR. KEELE: Yes.</p> <p>18 MS. FIELDS: Mr. Landers?</p> <p>19 MR. LANDERS: Yes?</p> <p>20 MS. FIELDS: Mr. Privrat?</p> <p>21 MR. PRIVRAT: Yes.</p> <p>22 MS. FIELDS: Ms. Lodes?</p> <p>23 MS. LODES: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 MS. LODES: Thank you. The next item on</p>

AQAC Public Meeting - June 16, 2021

Page 5	Page 7
<p>1 today's agenda is the election of officers. This is</p> <p>2 open for discussion and action by the Council.</p> <p>3 MS. BOTCHLET-SMITH: We have two minutes to</p> <p>4 be approved today.</p> <p>5 MS. LODES: Oh, do we not approve them as a</p> <p>6 single package?</p> <p>7 MS. BOTCHLET-SMITH: I don't think he</p> <p>8 moved --</p> <p>9 MS. LODES: Okay.</p> <p>10 MS. BOTCHLET-SMITH: Can she read back the</p> <p>11 motion?</p> <p>12 MS. LODES: Can you read back the motion? I</p> <p>13 listed both when I said the approval of the minutes.</p> <p>14 COURT REPORTER: Motion to approve is what</p> <p>15 was said and then, Do we have a second? Motion to</p> <p>16 second.</p> <p>17 MS. MILLER: Okay. I think that's right.</p> <p>18 MS. LODES: Okay. I was hoping, because I</p> <p>19 read them as one item that they were good?</p> <p>20 MS. MILLER: Yeah.</p> <p>21 MS. LODES: Okay. No. 4 on today is election</p> <p>22 of officers. Who would you all like to be chair and</p> <p>23 vice chair?</p> <p>24 MR. LANDERS: I would like to nominate Laura</p> <p>25 Lodes, chair.</p>	<p>1 MS. FIELDS: Mr. Privrat?</p> <p>2 MR. PRIVRAT: Yes.</p> <p>3 MS. FIELDS: Ms. Lodes?</p> <p>4 MS. LODES: I will abstain.</p> <p>5 MS. FIELDS: Motion passed.</p> <p>6 MS. LODES: Thank you. I appreciate that.</p> <p>7 Do I have a vice-chair?</p> <p>8 MR. LANDERS: I will make a nomination for</p> <p>9 Garry Keele as vice-chair.</p> <p>10 MR. CAVES: I will second that.</p> <p>11 MS. LODES: I have a motion and a second.</p> <p>12 Quiana, will you please call roll?</p> <p>13 MS. FIELDS: Mr. Caves?</p> <p>14 MR. CAVES: Yes.</p> <p>15 MS. FIELDS: Dr. Delano?</p> <p>16 DR. DELANO: Yes.</p> <p>17 MS. FIELDS: Mr. Elliott?</p> <p>18 MR. ELLIOTT: Yes.</p> <p>19 MS. FIELDS: Mr. Keele?</p> <p>20 MR. KEELE: Abstain.</p> <p>21 MS. FIELDS: Mr. Landers?</p> <p>22 MR. LANDERS: Yes.</p> <p>23 MS. FIELDS: Mr. Privrat?</p> <p>24 MR. PRIVRAT: Yes.</p> <p>25 MS. FIELDS: Ms. Lodes?</p>
Page 6	Page 8
<p>1 MS. LODES: Thank you.</p> <p>2 MR. LANDERS: Do you need these separate?</p> <p>3 MS. LODES: We usually do them as I think a</p> <p>4 single, don't we? Do we do them as a single to do</p> <p>5 the chair and vice-chair?</p> <p>6 MS. BOTCHLET-SMITH: I don't think you have</p> <p>7 to.</p> <p>8 MS. LODES: Okay.</p> <p>9 MS. BOTCHLET-SMITH: I would get a second on</p> <p>10 yours.</p> <p>11 MS. LODES: Okay. You nominated that one.</p> <p>12 Do we have a second?</p> <p>13 MR. ELLIOTT: I will second.</p> <p>14 MS. LODES: I have a motion and a second.</p> <p>15 Will you call roll -- will Quiana please call roll?</p> <p>16 MS. FIELDS: Mr. Caves?</p> <p>17 MR. CAVES: Yes.</p> <p>18 MS. FIELDS: Dr. Delano?</p> <p>19 DR. DELANO: Yes.</p> <p>20 MS. FIELDS: Mr. Elliott?</p> <p>21 MR. ELLIOTT: Yes.</p> <p>22 MS. FIELDS: Mr. Keele?</p> <p>23 MR. KEELE: Yes.</p> <p>24 MS. FIELDS: Mr. Landers?</p> <p>25 MR. LANDERS: Yes.</p>	<p>1 MS. LODES: Yes.</p> <p>2 MS. FIELDS: Motion passed.</p> <p>3 MS. LODES: Garry, congratulations.</p> <p>4 We'll now enter the public rulemaking hearing</p> <p>5 portion.</p> <p>6 Beverly.</p> <p>7 MS. BOTCHLET-SMITH: Good morning. I'm</p> <p>8 Beverly Botchlet-Smith. I'm the assistant director</p> <p>9 of the Air Quality Division and as such I will serve</p> <p>10 as the protocol officer for today's hearings.</p> <p>11 The hearings will be convened by the Air</p> <p>12 Quality Council in compliance with the Oklahoma</p> <p>13 Administrative Procedures Act in Title 40 of the Code</p> <p>14 of Federal Regulations, Part 51, as well as the</p> <p>15 authority of Title 27-A of the Oklahoma Statutes,</p> <p>16 Section 2-2-201 and Sections 2-5-101 through 2-5-117.</p> <p>17 Notice of the June 16, 2021, hearings were</p> <p>18 advertised in the Oklahoma Register for the purpose</p> <p>19 of receiving comments pertaining to the proposed OAC</p> <p>20 Title 252, Chapter 100 rules as listed on the agenda</p> <p>21 and will be entered into each record along with the</p> <p>22 Oklahoma Register filing. Notice of the meeting was</p> <p>23 filed with the Secretary of State on November 20,</p> <p>24 2020. The agenda was posted -- duly posted 24 hours</p> <p>25 prior to the meeting here at DEQ.</p>

AQAC Public Meeting - June 16, 2021

<p align="right">Page 9</p> <p>1 If you wish to make a statement, it's very 2 important that you complete a form that can be found 3 at the registration table and you'll be called upon 4 at the appropriate time. Audience members, please 5 come to the podium for your comments and please state 6 your name prior to making your comments. 7 At this time we'll proceed with what's marked 8 as agenda Item Number 5-A. This is Chapter 100, Air 9 Pollution Control, Subchapter 7, Permits For Minor 10 Facilities. Part 3, Construction Permits. 11 252:100-7-15, Subchapter 8, Permits For Part 70 12 Sources and Major New Source Review, or NSR sources. 13 Part 7, Prevention of Significant Deterioration, PSD, 14 Requirements For Attainment Areas. 15 252:100-8-36.1, Subchapter 37, Control of 16 Emission of Volatile Organic Compounds or VOCs. 17 252-100-37-16, Subchapter 39, Emission of 18 Volatile Organic Compounds, VOCs, in Nonattainment 19 Areas and Former Nonattainment Areas. And part 7, 20 Specific Operations. 252-100-39-45. 21 That's a long list. Ms. Melanie Foster of 22 our staff will give the staff presentation. 23 Melanie. 24 MS. FOSTER: Thank you, Beverly. 25 Madam Chair, Members of the Council, members</p>	<p align="right">Page 11</p> <p>1 electronic packet or in the folder in front of you. 2 If you have notes on your electronic packet you may 3 want to start there but you will end up at some point 4 turning to the folder in front of you. 5 I will be going in subchapter order so I will 6 be starting with Subchapter 7, specifically Section 7 7-15, Construction Permit. We are proposing to 8 revise OAC 252:100-7-15(a)(2)(B)(i) to give 9 regulatory clarity to when a construction permit is 10 required by inserting the federal terms for pieces of 11 equipment and processes subject to the New Source 12 Performance Standards (NSPS) and National Emission 13 Standards For Hazardous Air Pollutants (NESHAP). We 14 think it makes good sense to update this language to 15 the terms that facilities are familiar with using 16 from the federal regulations. 17 We do not anticipate this changing what 18 facilities currently experience during the permitting 19 process so this change should not be a concern for 20 the regulated community. However, due to the fact 21 that section 7-15 was changed in our last permitting 22 revisions that you all worked on with us in the fall 23 and because we believe that we may need to make 24 additional changes to this section in October, I will 25 be asking you to not move forward with this revision</p>
<p align="right">Page 10</p> <p>1 of the public, my name is Melanie Foster. I'm the 2 rules and planning section manager and today I am 3 presenting the proposed rule changes to four 4 different subchapters in OAC 252 Chapter 100. 5 Specifically, the changes as Beverly 6 mentioned are in Subchapter 7, permits for minor 7 facilities; Subchapter 8, Permits For Part 70 Sources 8 and Major NSR Sources; Subchapter 37 Control of 9 Emission of Volatile Organic Compounds, and 10 Subchapter 39, Emission of Volatile Organic Compounds 11 in Nonattainment Areas and Former Nonattainment 12 Areas. All of these changes are relatively minor 13 changes that are being undertaken to remove outdated 14 rule language and/or provide regulatory clarity. 15 As you may be aware Governor Stitt's 16 Executive Order 2020-03 required the agency to review 17 its statutes and regulations for costly, ineffective, 18 unnecessary, and outdated language. These changes I 19 am presenting to you today are in response to the Air 20 Quality Division's review of Chapter 100. This is by 21 no means meant to imply that these are the only 22 changes we plan to make in response to our review of 23 Chapter 100, but these were some updates that we felt 24 we could make relatively quickly. 25 Please refer to the rules inside your</p>	<p align="right">Page 12</p> <p>1 at the end of my presentation and leave this section 2 out of your motion. 3 The next change is to Subchapter 8-36.1. As 4 you can see the department is proposing to correct 5 the Rule and Statute references in OAC 252:100-8-36.1 6 to the proper legal form. None of the actual 7 citations are changing, only their form. 8 The third change is to 37-16 for loading 9 facilities. For this change you will want to look at 10 the revised version provided in the folder in front 11 of you, if you're not already using this copy. For 12 reference, the footer of this copy says "Chapter 100 13 Cleanup Revisions Council Update." I will give you a 14 moment to turn to the top of page 4. There has often 15 been some question as to whether loading from 16 condensate tanks at natural gas compressor stations 17 is subject to this section's control requirements. 18 We want to make it clear that these operations are 19 not considered loading facilities under this section, 20 which is in line with both how Permits and Compliance 21 and Enforcement treat the condensate tanks at 22 compressor stations. In this section we are 23 proposing to effectively add an exemption for natural 24 gas compressor stations from being considered 25 loadings facilities. The changes from the version</p>

<p align="right">Page 13</p> <p>1 that was public noticed and the version you have 2 before you resulted from internal discussions. These 3 changes do not change the intent of the exemption but 4 rather clarify what we meant -- what we mean by 5 "compressor station" since this term is not elsewhere 6 defined in Chapter 100.</p> <p>7 We also removed the term "condensate tanks" 8 since this term can have many synonyms, and more 9 directly apply the exemption to the compressor 10 station facilities themselves rather than the 11 individual tanks. Again, we are simply proposing to 12 provide regulatory clarity and certainty to a 13 practice that is already in place.</p> <p>14 The fourth and final proposed change is in 15 Section 39-45. This section is specific to petroleum 16 solvent dry cleaners in Tulsa County. The department 17 is proposing to correct the approval process for 18 facilities that incinerate petroleum solvent dry 19 cleaning filters. The Rule formerly read that the 20 Fire Marshall's office would approve incineration. 21 The State Fire Code does have requirements for dry 22 cleaning facilities but we felt that the current 23 language was outdated. We have clarified that 24 incineration would only be allowed if permitted by 25 the appropriate regulatory entity. This could</p>	<p align="right">Page 15</p> <p>1 a high likelihood that we will need to make 2 additional revisions to this section in October. We 3 ask the Council to recommend to the Board for 4 approval the changes to Section 100-8-36.1, 5 100-37-16, and 100-39-45 with the changes as 6 presented in the meeting today. Thank you.</p> <p>7 MS. BOTCHLET-SMITH: At this time we would 8 like for the Council to have an opportunity for 9 discussion or to ask questions.</p> <p>10 MS. LODES: Any questions from the Council?</p> <p>11 MS. BOTCHLET-SMITH: Not seeing either. We 12 didn't have any of the forms filled out from the 13 audience. I would like to give the audience an 14 opportunity, if you have any questions or comments 15 after hearing the presentation, would you please 16 indicate so?</p> <p>17 (No response.)</p> <p>18 MS. BOTCHLET-SMITH: Seeing none, if the 19 Council doesn't have any questions, you can refer it 20 for a motion.</p> <p>21 MS. LODES: Seeing no further questions or 22 comments, the staff has requested a motion to 23 approve, which she put kindly on the board for us to 24 get it right, because it's convoluted so that we get 25 it worded correctly.</p>
<p align="right">Page 14</p> <p>1 include being covered in an Air Quality Permit or 2 even possibly a RCRA permit. Based on dry cleaning 3 inspections in Oklahoma, and even specifically Tulsa 4 County, AQD is not aware that any dry cleaning 5 facilities currently incinerate their filters so we 6 do not expect this to affect any facilities. These 7 filters are usually picked up by their waste 8 contractor for off-site disposal.</p> <p>9 We are also proposing to remove the outdated 10 compliance schedule since these dates are nearly 35 11 years past when facilities should have been in 12 compliance with these rules. As you know, new 13 facilities are required to be in compliance upon 14 startup.</p> <p>15 This concludes the revisions that we are 16 proposing to make in this rule package. Notice of 17 the proposed rule change was published in the 18 Oklahoma Register on May 3, 2021, and no written 19 comments have been received prior to the close of the 20 comment period on June 3rd on any of these proposed 21 rule revisions.</p> <p>22 DEQ requests the Council vote on these minor 23 changes in a single vote. As I mentioned earlier, 24 we're not requesting you to act on the proposed 25 change to OAC 252:100-7-15 at this time since there's</p>	<p align="right">Page 16</p> <p>1 Do I have a motion?</p> <p>2 MR. ELLIOTT: I make a motion that we approve 3 the revisions to Sections OAC 252:100-8-36.1, OAC 4 252:100-37-16 and OAC 252:100-39-45 with the changes 5 as presented in today's meeting.</p> <p>6 MS. LODES: Do I have a second?</p> <p>7 DR. DELANO: I will second that.</p> <p>8 MS. LODES: I have a motion and a second. 9 Quiana, will you please call roll?</p> <p>10 MS. FIELDS: Mr. Caves?</p> <p>11 MR. CAVES: Yes.</p> <p>12 MS. FIELDS: Dr. Delano?</p> <p>13 DR. DELANO: Yes.</p> <p>14 MS. FIELDS: Mr. Elliott?</p> <p>15 MR. ELLIOTT: Yes.</p> <p>16 MS. FIELDS: Mr. Keele?</p> <p>17 MR. KEELE: Yes.</p> <p>18 MS. FIELDS: Mr. Landers?</p> <p>19 MR. LANDERS: Yes.</p> <p>20 MS. FIELDS: Mr. Privrat?</p> <p>21 MR. PRIVRAT: Yes.</p> <p>22 MS. FIELDS: Ms. Lodes?</p> <p>23 MS. LODES: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 MS. LODES: Thank you.</p>

1 **MS. BOTCHLET-SMITH:** The next item on today's
2 agenda is Item 5-B. This is Chapter 100, Air
3 Pollution Control, Subchapter 8, Permits For Part 70
4 Sources and Major New Source Review for (NSR) Sources
5 and Part 7, Prevention of Significant Deterioration
6 (PSD) Requirements for Attainment Areas
7 252:100-8-36.2. And Mr. Tom Richardson of our staff
8 will give the presentation.

9 Tom?

10 **MR. RICHARDSON:** Good morning, Madam Chair.
11 It feels very strange to do this in person rather
12 than virtually so please bear with me. And if anyone
13 has any trouble hearing me -- oh, I should turn it
14 on.

15 So I will start again. Good morning, Madam
16 Chair, Members of the Council, ladies and gentlemen.
17 I'm Tom Richardson, an engineer in the Air Quality
18 Division's Rules and Planning Section. My purpose
19 today is to provide an overview of our proposal to
20 amend the source obligation requirements under the
21 Prevention of Significance Deterioration, or PSD,
22 Program. I would like to begin by noting that these
23 proposed changes were prompted by the request from
24 stakeholders -- and I think I saw Adrienne Burchett
25 in the back, thank you -- and by feedback provided

1 calculate emission increases to determine whether a
2 project exceeds the PSD significance levels.
3 Subsection (c) of Section 36.2 establishes the
4 recordkeeping requirements that apply when a company
5 uses projected actual emissions.

6 This slide shows important dates, including
7 the date EPA proposed the "Reasonable Possibility"
8 rule in the Federal Register, the date the state of
9 New Jersey submitted a petition requesting that EPA
10 reconsider the Rule and the date EPA issued a letter
11 to New Jersey stating that, in spite of a previous
12 announcement that EPA would consider the Rule,
13 ultimately EPA was no longer reconsidering the Rule
14 or taking public comments on the Rule.

15 The Current Status of the Reasonable
16 Possibility Rule. New Jersey sued EPA over their
17 decision not to reconsider the Rule. While the case
18 was under review by the DC Circuit Court of Appeals,
19 the Reasonable Possibility rule remained in effect in
20 jurisdictions where the EPA operates the PSD program
21 or in jurisdictions where the state, local, or tribal
22 agency has received formal delegation of the EPA
23 program. We should note that the Oklahoma DEQ
24 operates its program under a federally approved State
25 Implementation Plan, or SIP, rather than under formal

1 during the discussion of our permitting rule changes
2 last fall.

3 Before we get to the details of our proposal,
4 I would like to provide some background and
5 particulars of this rule, a description of our
6 approach, a discussion why our approach deviates from
7 EPA's and a summary of the proposed changes we need
8 to consider.

9 First I would like to direct your attention
10 to the specific location we are proposing to make the
11 changes to our rules. We are focused quite narrowly
12 under Subsection C.

13 Major New Source Review (or NSR) includes
14 only one relevant component for us and that's the
15 Prevention of Significant Deterioration (or PSD)
16 Program. And I say it's the only relevant component,
17 because Oklahoma is in attainment of all of the
18 National Ambient Air Quality Standards. The PSD
19 program requires that owners and operators of
20 facilities subject to those rules, that they must
21 evaluate each new project to determine whether it
22 should be classified as a "major modification."

23 NSR reform, adopted in 2002, provided the
24 option of using the "Actual-to-Projected-Actual"
25 applicability test for existing emission units to

1 delegation of EPA's program.

2 Due to the concerns with the litigation
3 between EPA and the state of New Jersey, we did not
4 revise our rules to incorporate the Reasonable
5 Possibility Language. That change on March 5, 2021,
6 when the DC Circuit Court of Appeals ruled in favor
7 of EPA and against the state of New Jersey.

8 Previously I noted that we did not adopt
9 EPA's rule text verbatim. The reason is that EPA's
10 version of the Reasonable Possibility Rule does not
11 require facilities to maintain records that were
12 generated before the change was made. These records
13 are used to demonstrate that a project is eligible
14 for the exemption from the requirement to maintain
15 records after the change was made. This was New
16 Jersey's most salient objection to EPA's rule and we
17 concur with that objection. Since the records need
18 to be generated to demonstrate eligibility for the
19 exemption, it only makes sense to retain those
20 records. Our rulemaking remedy is to require that a
21 facility retain the pre-change records but to exempt
22 facilities that are not determined to have a
23 reasonable possibility of exceeding the PSD
24 significance thresholds from the post-change
25 recordkeeping requirements.

1 We believe that this approach has the best
2 chance of pre-empting future objections to Reasonable
3 Possibility rule.

4 What is pre-change rulemaking? This slide
5 identifies the records that must be kept to
6 demonstrate that a project does not have a reasonable
7 possibility of increasing emissions in a manner that
8 would exceed the PSD significance thresholds.

9 The records required include a description of
10 the project, identification of the emission units
11 involved in the project, a description of the
12 applicability test used to calculate emission
13 increases, a description of the emissions that may be
14 excluded, for example, due to demand growth, and any
15 netting calculations, if applicable.

16 But, you may ask? You mean to say that EPA
17 does not require pre-change recordkeeping? No, not
18 in the version of the Reasonable Possibility rule
19 that was adopted. EPA claims that, in effect, other
20 programs duplicate the requirements for these
21 records. Perhaps not in a direct way, but
22 indirectly.

23 The Oklahoma DEQ believes that it is more
24 straightforward to just include these requirements
25 explicitly in the Source Obligations section of the

1 rules. That way there's no ambiguity. Again, since
2 these records have already been generated, it only
3 makes sense to retain them.

4 What about future challenges to our approach?
5 The litigation appears to have been resolved, because
6 the DC Circuit Court of Appeals ruled in favor of the
7 EPA and against the state of New Jersey. However,
8 under the new administration, EPA could revisit this
9 rule.

10 Whatever happens, we believe that our
11 approach addresses the most significant flaw
12 identified by New Jersey. If our proposed rule
13 language is adopted, we will submit these changes to
14 EPA Region 6 for incorporation into our SIP. Once
15 the language is approved into our SIP, it would
16 require separate action from EPA or from the courts
17 to jeopardize our approach.

18 Also of note, on December 20, 2019, EPA
19 published a notice in the Federal Register proposing
20 to correct a number of errors in various NSR rules.
21 One of the proposed changes corrected a mistake in
22 the identification which paragraph was referenced
23 internally in the Reasonable Possibility rule. The
24 Department's proposal today corrects that error
25 although EPA has not finalized that rule.

1 We are now ready to turn to the specific rule
2 language. Please turn in your packets to the
3 proposed amendments to rule text in chapter 100,
4 Subchapter 8, Section 36.2.

5 Please note that in this presentation much of
6 the Rule language not being changed has been omitted.
7 The complete text of each section is included in the
8 rule text documents included in the packet and on the
9 web.

10 Subsection (c) states that, for projects that
11 use projected actual emissions for existing sources
12 to determine whether a project will result in a
13 significant emissions increase under the PSD rules,
14 additional recordkeeping is required.

15 The changes shown on this slide reference the
16 location in the rules where the term "projected
17 actual emissions" is defined.

18 Let's take another look at the language in
19 this paragraph. It is important to note that these
20 requirements apply whether or not a project reaches
21 the reasonable possibility threshold. These records
22 establish the basis on which the determination was
23 made, whether or not the project has a reasonable
24 possibility of meeting or exceeding the 50 percent
25 threshold. And these are the "pre-change records"

1 mentioned by EPA in their letter to New Jersey.

2 These changes shown in slide 15 represent the
3 heart of Oklahoma's "reasonable possibility"
4 approach. This language establishes the criteria
5 under which a project is determined to have a
6 "reasonable possibility" of resulting in a
7 significant emission increase as defined by the PSD
8 rules. If the project does not reach the 50 percent
9 threshold, no additional records beyond the
10 pre-change records discussed previously are required.

11 This slide shows the location where we
12 inserted the new text that creates the exemption from
13 the requirements for post-change recordkeeping for
14 projects below the 50 percent threshold. All of the
15 text shown on the left was inserted after the number
16 (2) which previously started the paragraph discussing
17 requirements for existing electric utility steam
18 generating units, or EUSGUs.

19 The remaining changes are intended to clean
20 up the formatting. Here the post-change
21 recordkeeping requirements are indented and
22 renumbered.

23 This slide shows additional formatting
24 clean-up. Because we indented the requirements
25 above, we designated the paragraphs (3), (4), and (5)

1 as "reserved." That way we can pick back up at
2 paragraph 6 without any further disruption or an
3 accidental reference anomalies.

4 I would like to note that we received no
5 comments during the public comment period that closed
6 on June 2nd. That concludes my presentation on our
7 proposed changes to Section 36.2. Please note that
8 staff is recommending that the Council recommend to
9 the board approval of the proposed changes to
10 Chapter 100, Subchapter 8, Section 36.2 during
11 today's meeting.

12 Thank you. And once again, I will ask
13 Beverly Botchlet-Smith to discuss the next steps in
14 the process.

15 **MS. BOTCHLET-SMITH:** Thank you, Tom.

16 At this point, Council, do you have any
17 questions for Tom Richardson?

18 **MR. ELLIOTT:** Yes. Tom, on page 17 of the
19 slide show, paragraph E, the -- in this rule we have
20 several different uses of the word "significant."
21 One of them is under the reasonable possibility is a
22 50 percent increase, you know, of -- you know, of
23 that. That throws you into it. And then -- so what
24 is the -- what is the meaning of the word
25 "significant" in this paragraph that says, By an

1 **MS. LODES:** I do have one and I'm sorry on
2 this one, but -- okay, so you were going through the
3 different stuff with the litigation and the rest of
4 it, and I know we have had a change in
5 administration, so we're going to send this down to
6 Region 6 to try to improve our SIP. How is the new
7 administration -- we were making -- we were rocking
8 on getting our SIP approved and getting it all
9 cleaned up. Has that totally stalled now or are we
10 getting anywhere with getting it?

11 **MR. RICHARDSON:** So our communication with
12 Region 6 has been very collegial, we've been having
13 monthly discussions not only with Carrie Paige's
14 group that works on SIP proper but Adina Wiley who
15 really focusses on our permitting SIP. And we feel
16 like we have a great relationship, they're totally on
17 board with our changes. However, anytime they're
18 going through the process of approving our SIP, it
19 will end up being reviewed by the Office of General
20 Counsel and that's where who knows what issues may
21 arise.

22 So if the new administration decides that
23 they're holding back this Reasonable Possibility
24 rule, in all likelihood, they would have to go
25 through formal rulemaking to do that so we would get

1 amount that is significant for that regulated NSR
2 pollutant?

3 **MR. RICHARDSON:** Greg, thank you for that
4 question. There is -- PSD rules are complicated and
5 anyone that works in air knows that, and I think here
6 in particular it shows when the use of the word
7 significant has these different context, but in this
8 particular area, which we are now renumbering as E,
9 the language there refers to the PSD significant
10 threshold, so the significant emission rates
11 specified in the PSD rules.

12 So, for example, for VOCs or NOx, that's
13 40 tons per year. So if you exceed 40 tons per year,
14 or rather you find out that a project not expected to
15 be a major modification under PSD, if later you find
16 out the project exceeded those thresholds, that
17 creates the responsibility to submit a report to the
18 director. But the threshold you're crossing at that
19 point that requires that report, those are the actual
20 PSD levels, not the 50 percent reasonability
21 threshold we discussed before. So I appreciate that
22 clarification.

23 **MR. ELLIOTT:** Okay.

24 **MS. BOTCHLET-SMITH:** Any other comments or
25 questions from the Council?

1 that heads-up. But once we adopt the rules into our
2 particular rule package, those rules then become the
3 rules we operate under in terms of the State of
4 Oklahoma.

5 Now, it would be odd for EPA to step in and
6 under Part 52 come after a particular facility in
7 Oklahoma for violating rules that are no longer on
8 EPA's books, and that are no longer on our books but
9 due to an anomaly in the process because of the delay
10 in SIP approval, that would just be -- that is so
11 unlikely. I think we might have a delay in the
12 approval of the SIP, but I think if there's any -- if
13 there's any potential risk in terms of this
14 particular rule-making package, that's way down the
15 road and there would be a series of actions that
16 would have to take place before that would be a
17 problem.

18 **MS. LODES:** Okay. I just was curious as to
19 where we were with getting -- with keeping the SIP
20 moving.

21 **MS. STEGMANN:** It's still going forward.

22 **MS. LODES:** Okay, good.

23 **MR. LANDERS:** So outside the SIP, when would
24 these rule changes be effective if we pass them
25 today, environmental quality board and so on?

Page 29

1 **MR. RICHARDSON:** That's a great question. So
 2 right now because of where we are in the cycle, if
 3 the rules were approved by -- I keep saying approved.
 4 I think there's an actual -- a term of art, it's like
 5 the Council recommends that the Environmental Quality
 6 Board formally adopt the rules. If that passes today
 7 and then EQB passes it during their next meeting in
 8 September, so then that would then go into the cycle.
 9 So then the governor and the legislature have the
 10 option of looking at it. It would not be until
 11 September 15th of 2022 before these rules would be
 12 formally adopted. So, you know, we are early in that
 13 process and you know that whole annual cycle we go
 14 through.

15 **MS. BOTCHLET-SMITH:** Any other questions from
 16 the Council?

17 **MR. LANDERS:** So if it happens that way and
 18 you say -- so we have to keep records pre-change --
 19 pre-change recordkeeping, we have to continue that.
 20 So in 2022, let's say you are in year three of your
 21 post-project emissions tracking. Can you stop them
 22 once it's approved or do you have to continue the
 23 five-year post project.

24 **MR. RICHARDSON:** That's where I would
 25 hesitate to say anything because that's where I would

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1 throw it to either Madison or Compliance and
 2 Enforcement. They might discuss interpretation and
 3 enforcement discretion, but really at that point I
 4 would maybe ask Kendal or I guess that would be
 5 looked at, at that point but I'm sorry, I don't have
 6 the answer to that question.

7 **MS. STEGMANN:** I would assume that we would
 8 do enforcement discretion if this package passes.

9 **MS. LODES:** So I would think some of it would
 10 be how you worded it in your permit.

11 **MS. STEGMANN:** Right.

12 **MR. KEELE:** This is Garry. I will follow in
 13 on that. Instead of enforcement discretion, would
 14 the agency be willing to submit or provide a letter
 15 saying that the recordkeeping could be finished at
 16 that point?

17 **MS. STEGMANN:** We can talk about that at a
 18 later time. I'm not willing to commit to that.

19 **MR. KEELE:** Fair enough.

20 **MR. LANDERS:** I would just ask you to
 21 consider that because to me this has been a rule
 22 change that has been a long time coming, and it would
 23 just -- it's really -- would reduce the recordkeeping
 24 burden, you know, if we can stop when it's completely
 25 adopted, you know.

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1 **MS. STEGMANN:** Yeah. We will definitely take
 2 all of that in account, and we'll go back and have
 3 internal discussions with staff on the best way to
 4 implement it when we are in between, you know,
 5 passing it today versus when the legislature okays
 6 it.

7 **MR. LANDERS:** Thank you.

8 **MR. RICHARDSON:** And I think I -- of course,
 9 I don't have the authority to do this, but I think
 10 I've stated that it might be a good idea for us to
 11 develop some guidance that might address some of
 12 these issues, so I don't know if Lee Warden is in the
 13 audience, if she is I may be getting in trouble with
 14 Lee, but I think it would helpful if this new rule
 15 change for us to have that guidance at some point.
 16 So while I can't commit to that, I think that would
 17 be a good idea.

18 **MS. BOTCHLET-SMITH:** Okay. We have received
 19 one notice of oral comment from the public. Adrienne
 20 Burchett from Altamira. If you would like to step to
 21 the podium.

22 **MS. BURCHETT:** Hi. Thank you for the
 23 opportunity to comment. It's going to be real quick
 24 and I just want to say it's great to see everybody in
 25 person.

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1 **MS. BOTCHLET-SMITH:** Thank you. Would you
 2 please restate your name and your affiliation?

3 **MS. BURCHETT:** Yes. My name is Adrian
 4 Burchett. I'm with Altamira. And I just wanted to
 5 thank the DEQ staff and Council for considering our
 6 comments, and I believe that proposed changes
 7 incorporate those. So thank you.

8 **MS. BOTCHLET-SMITH:** I haven't received any
 9 other notice of comment from the public. Anyone else
 10 wish to comment at this time?

11 Seeing and hearing none, this would be a last
 12 opportunity for the Council to ask questions or
 13 potentially make a motion.

14 **MS. LODES:** Seeing no further comments or
 15 questions from the Council, staff has recommended we
 16 pass the proposed changes as presented today. Do I
 17 have a motion?

18 **MR. LANDERS:** I will make a motion that we
 19 adopt the proposed rule changes to Chapter 100,
 20 Subchapter 8, Section 36.2.

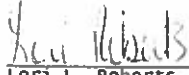
21 **MR. CAVES:** I will second the motion.

22 **MS. LODES:** I have a motion and second.
 23 Quiana, will you please call roll?

24 **MS. FIELDS:** Mr. Caves?

25 **MR. CAVES:** Yes.

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. KELLE: Yes.
 7 MS. FIELDS: Mr. Landers?
 8 MR. LANDERS: Yes.
 9 MS. FIELDS: Mr. Privrat?
 10 MR. PRIVRAT: Yes.
 11 MS. FIELDS: Ms. Lodes?
 12 MS. LODES: Yes.
 13 MS. FIELDS: Motion passed.
 14 MS. BOTCHLET-SMITH: While the staff does
 15 have some presentations today, this concludes the
 16 hearing portion of today's meeting.
 17 (Meeting concluded.)
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1 -- CERTIFICATE --
 2 I, Lori L. Roberts, Certified Shorthand
 3 Reporter for the State of Oklahoma, certify that the
 4 foregoing proceedings are a true and correct
 5 transcript of the record of the machine shorthand
 6 notes taken by me and transcribed into written form
 7 under my supervision, direction and control.
 8 I further certify that I am not an attorney
 9 for nor relative of any interested party, or
 10 otherwise interested in the event of said action.
 11 IN WITNESS WHEREOF, I have hereunto set my
 12 hand and seal of office this 29th day of June, 2021.
 13
 14 
 15 _____
 16 Lori L. Roberts
 17 CSR No. 1588
 18 Commission Expires: 12/31/21
 19
 20
 21
 22
 23
 24
 25



AIR QUALITY ADVISORY COUNCIL

Attendance Record

June 16, 2021

Oklahoma City, Oklahoma

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Kendal Stegmann DEQ		
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Quiana Fields ODEQ		
Kathy Aebischer DEQ		
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Milce Hixson O&E		
Molly Williams O&E		



AIR QUALITY ADVISORY COUNCIL

Attendance Record

June 16, 2021

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Travis Couch	DEQ	702-7131
Steve Landers	GP	918-684-4859
Clark Wagon	WPCO	218-900-4725
Tom Richardson	DEQ	405-702-4215
Bob Delano		
Brian McKibben	OGE	553-3064
Michelle Wynn	DEQ	
Phil Feller	DEQ	405-702-4185
Lloyd Kille	DEQ	405-702-7105
Laura Finley	WFEC	405-402-0091
Lisa Grecho	Tetratedu	281-743-1874



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

MEMORANDUM

DATE: October 5, 2021

TO: Members of the Air Quality Advisory Council

FROM: Kendal Stegmann, Director *KS*
Air Quality Division

SUBJECT: CY2022 Air Quality Advisory Council Meeting Schedule

Suggested Council meeting dates for calendar year 2022 are listed below. We are suggesting all Council meetings be held in Oklahoma City due to the continuing uncertainty of COVID-19. You will be asked to approve or amend the schedule at your October 20, 2021 meeting.

Staff suggestions are:

Wednesday, January 19, 2022 – Oklahoma City
Wednesday, May 4, 2022 – Oklahoma City
Wednesday, October 5, 2022 – Oklahoma City

The Environmental Quality Board has scheduled the following dates and locations for the 2022 meetings:

Friday, February 18, 2022 – OKC
Tuesday, June 14, 2022 – OKC
Tuesday, September 13, 2022 – OKC
Tuesday, November 8, 2022 – OKC

KS/gg





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

MEMORANDUM

DATE: October 5, 2021

TO: Members of the Air Quality Advisory Council

FROM: Kendal Stegmann, Director *KS*
Air Quality Division

SUBJECT: Proposed Update of OAC 252:100-2, and Appendix Q, Incorporation By Reference

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The update will include changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

These proposals are part of the annual review and update of incorporation by reference of federal regulations. The Oklahoma Rules on Rulemaking dictate the procedure of revoking the old and creating an entirely new appendix. Copies of the proposed rule and revoked and new appendices are enclosed, along with a copy of the Rule Impact Statement.

There is one proposed addition this year in Part 60, Subpart Cf which is entitled "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills." This update incorporates those federal regulations currently listed in Appendix Q, including any amendments, as they existed on June 30, 2021. A list of the subparts that have been amended by EPA (and are listed in Appendix Q), is attached.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 15, 2021. The notice requested written comments from the public and other interested parties. No comments have been received as of October 5, 2021. At the October meeting, staff will ask the Council to recommend the proposed rule changes to the Environmental Quality Board for adoption as permanent rules.

Enclosures: Proposed Amendments to OAC 252:100-2
Proposed OAC 252:100, Appendix Q [REVOKED]
Proposed OAC 252:100, Appendix Q [NEW]
Rule Impact Statement
List of amended subparts in Appendix Q



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

SUBCHAPTER 2. INCORPORATION BY REFERENCE

252:100-2-3. Incorporation by reference

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on ~~June 30, 2020~~June 30, 2021.

(1) **Inclusion of 40 CFR citations and definitions.** When a provision of 40 CFR is incorporated by reference, all citations contained therein are also incorporated by reference.

(2) **Inconsistencies or duplications of requirements or incorporation dates.**

(A) In the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q or elsewhere in this Chapter, the more stringent requirements shall apply.

(B) In the event that a specific date of incorporation is indicated in Appendix Q or a subchapter of this Chapter, the specified date of incorporation shall apply.

(3) **Terminology related to 40 CFR.** For purposes of interfacing with 40 CFR and unless the context clearly indicates otherwise, the following terms apply.

(A) "Administrator" is synonymous with "Executive Director."

(B) "U. S. Environmental Protection Agency" or "EPA" is synonymous with "Department of Environmental Quality" or "DEQ."

APPENDIX Q. INCORPORATION BY REFERENCE [REVOKED]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on June 30, 2020, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM ₁₀ in the Atmosphere
51	A	Table 1 to Appendix A only of Subpart A—Emission Thresholds by Pollutant for Treatment as Point Source Under 40 CFR 51.30
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
51	n/a	Appendix W to Part 51 – Guideline on Air Quality Models
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for Monitors used in Evaluations of National Ambient Air Quality Standards
58	n/a	Appendix B to Part 58 – Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
60	Da	Standards of Performance for Electric Utility Steam Generating Units
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

PART	SUBPART	DESCRIPTION
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

PART	SUBPART	DESCRIPTION
60	L	Standards of Performance for Secondary Lead Smelters
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983

PART	SUBPART	DESCRIPTION
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants
60	LL	Standards of Performance for Metallic Mineral Processing Plants
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture

PART	SUBPART	DESCRIPTION
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry
60	XX	Standards of Performance for Bulk Gasoline Terminals
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
60	JJJ	Standards of Performance for Petroleum Dry Cleaners
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for SO ₂ Emissions From Onshore Natural Gas Processing: SO ₂ Emissions

PART	SUBPART	DESCRIPTION
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9,

PART	SUBPART	DESCRIPTION
		2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos

PART	SUBPART	DESCRIPTION
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
63	I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries

PART	SUBPART	DESCRIPTION
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations

PART	SUBPART	DESCRIPTION
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators

PART	SUBPART	DESCRIPTION
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

PART	SUBPART	DESCRIPTION
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans

PART	SUBPART	DESCRIPTION
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing

PART	SUBPART	DESCRIPTION
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

PART	SUBPART	DESCRIPTION
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
63	MMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources

PART	SUBPART	DESCRIPTION
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
63	ZZZZZZ	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry
63	CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing

PART	SUBPART	DESCRIPTION
63	DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
63	HHHHHHH	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation (for Acid Rain Sources)
98	A	Table A-1 only to Subpart A of Part 98 – Global Warming Potentials
241	n/a	Solid Wastes Used as Fuels or Ingredients in Combustion Units

APPENDIX Q. INCORPORATION BY REFERENCE [NEW]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on June 30, 2021, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM ₁₀ in the Atmosphere
51	A	Table 1 to Appendix A only of Subpart A—Emission Thresholds by Pollutant for Treatment as Point Source Under 40 CFR 51.30
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
51	n/a	Appendix W to Part 51 – Guideline on Air Quality Models
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for Monitors used in Evaluations of National Ambient Air Quality Standards
58	n/a	Appendix B to Part 58 – Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
60	Da	Standards of Performance for Electric Utility Steam Generating Units
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

PART	SUBPART	DESCRIPTION
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for

PART	SUBPART	DESCRIPTION
		Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
60	L	Standards of Performance for Secondary Lead Smelters
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities

PART	SUBPART	DESCRIPTION
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants
60	LL	Standards of Performance for Metallic Mineral Processing Plants
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating

PART	SUBPART	DESCRIPTION
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry
60	XX	Standards of Performance for Bulk Gasoline Terminals
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
60	JJJ	Standards of Performance for Petroleum Dry Cleaners

PART	SUBPART	DESCRIPTION
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for SO ₂ Emissions From Onshore Natural Gas Processing: SO ₂ Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001

PART	SUBPART	DESCRIPTION
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride

PART	SUBPART	DESCRIPTION
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

PART	SUBPART	DESCRIPTION
63	I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

PART	SUBPART	DESCRIPTION
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1

PART	SUBPART	DESCRIPTION
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

PART	SUBPART	DESCRIPTION
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating

PART	SUBPART	DESCRIPTION
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants

PART	SUBPART	DESCRIPTION
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing

PART	SUBPART	DESCRIPTION
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources

PART	SUBPART	DESCRIPTION
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
63	<i>ZZZZZZ</i>	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry

PART	SUBPART	DESCRIPTION
63	CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
63	DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
63	HHHHHHH	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation (for Acid Rain Sources)
98	A	Table A-1 only to Subpart A of Part 98 – Global Warming Potentials
241	n/a	Solid Wastes Used as Fuels or Ingredients in Combustion Units

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

Before the Air Quality Advisory Council on October 20, 2021
Before the Environmental Quality Board on November 9, 2021

RULE IMPACT STATEMENT

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

APPENDIX Q. Incorporation By Reference [REVOKED]

APPENDIX Q. Incorporation By Reference [NEW]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 61 and 63, and New Source Performance Standards (NSPS) in 40 C.F.R. Part 60. There is one proposed addition this year: Part 60, Subpart Cf, which is entitled “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.” Several standards have been amended and updated as well. Furthermore, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of this rule change and the underlying reason for the rulemaking is to incorporate changes EPA has made to its regulations and ensure that the state’s rules are up to date.

CLASSES OF PERSONS AFFECTED: The classes of persons affected are the owners and operators of facilities that are subject to the regulations incorporated by reference.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The classes of persons who will bear costs are the owners and operators of facilities that are subject to the regulations incorporated by reference. However, no additional costs are expected to be incurred by these persons because the facilities are already subject to the federal regulations that will be incorporated by reference.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has not received any information on cost impacts as of this date.

CLASSES OF PERSONS BENEFITTED: The citizens of Oklahoma and owners and operators of the facilities subject to these regulations will benefit by the assurance that the most current regulations available are in place to protect public health and welfare. The owners and operators will benefit from consistency in state and federal rules.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There should be no new economic impacts on affected classes of persons subject to this rule.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department anticipates no economic impact on political subdivisions.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department anticipates no adverse effect on small business.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The Department is not proposing any fee changes in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The Department anticipates there will be no significant increased costs associated with the implementation and enforcement of these proposed amendments. The Department will benefit from the proposal because it will allow state implementation and enforcement of these federal requirements.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing these regulations.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Fees and federal grants will continue to be used to implement and enforce these regulations.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: The Department expects no net loss or gain in revenues from these amendments.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: None is required. The Department will be responsible for all aspects of implementation and enforcement of these regulations.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The proposed changes will allow the Department to implement and enforce the federal regulations rather than EPA, which generally results in lower compliance costs for those affected.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: The Department has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed changes will have a positive effect on public health, safety, and the environment by updating the existing standards that were established to protect public health and welfare.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE

NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: The proposed changes will have a positive effect on public health, safety, and the environment by updating the existing standards that were established to protect public health and welfare.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: If the proposed changes are not implemented, the updated standards will be enforced by the federal government rather than the State.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): There will be no new quantitative impact on business entities since the proposed changes will align state standards with the current federal standards. The owners and/or operators of businesses subject to federal standards will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 15, 2021
MODIFIED ON:

CHANGES TO APPENDIX Q THROUGH JUNE 30, 2021

New Additions To Current Subparts Listed In APPENDIX Q (since July 1, 2020):

Part 60, Subpart Cf – Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills

60.3000—60.4100 (Subpart Cf)

Amendments To Current Subparts Listed In APPENDIX Q (since July 1, 2020):

Part 50 – National Primary and Secondary Ambient Air Quality Standards

50 National ambient air quality standards.....82683, 87255

Part 60, Subpart A – General Provisions

60 Notification2542

60.4 (e)(3) revised57743

60.17 (a) and section amended; (e)(2), (h)(95) through (173), (174) through (191), (192) through (209), (k)(1) through (3) redesignated as (e)(3), (h)(96) through (174), (176) through (193), (h)(195) through (212), new (k)(3), (5), and (6); new (e)(2), new (h)(95), new (175), new (194), (j)(3), (4), (k)(1), (2), (4), and (l)(2) added; (k) introductory text and new (5) revised.....63402

Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014

60.750—60.759 Correction: (Subpart WWW) Heading revised 64400

Part 60, Subpart XXX – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014

60.766 (a)(3) revised63403

Part 60, Subpart CCCC - New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999

60.2000—60.2265 (Subpart CCCC) Table 6 revised.....63404

60.2000—60.2265 (Subpart CCCC) Table 7 revised.....63405

60.2110 (i) introductory text, (1), and (2) introductory text amended63403

60.2145 (j) introductory text and (y)(3) revised63404

60.2150 Revised63404

60.2210 Introductory text revised; (p) added.....63404

Part 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9

60.2500—60.2875 (Subpart DDDD) Table 7 revised.....63406

60.2500—60.2875 (Subpart DDDD) Table 8 revised.....63407

60.2675 (i) introductory text, (1), and (2) introductory text revised63406

60.2710 (j) introductory text and (y)(3) revised63406

60.2715 Revised63406

Part 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

60.4200 (d) revised; eff. 7-29-21.....34357

60.4201 (a), (d) introductory text, (f) introductory text, and (h) revised; eff. 7-29-2134357

60.4202 (a)(1)(i), (2), (b)(2), (e) introductory text, and (g) introductory text revised; eff. 7-29-21	34358
60.4204 (a) and (f) revised; eff. 7-29-21	34358
60.4205 (a) revised; eff. 7-29-21	34358
60.4207 (a) removed; (b) amended; (d) revised	78463
60.4210 (a) and (b), (c) introductory text, (3), (d), (i), and (j) revised; (k) added; eff. 7-29-21	34358
60.4211 (a)(3) and (b)(1) revised; eff. 7-29-21	34359
60.4212 (a) and (c) revised; undesignated text following the equation in (c) amended; eff. 7-29-21	34359
60.4216 (b) and (c) revised; eff. 7-29-21	34359
60.4219 Amended; eff. 7-29-21	34360
<u>Part 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines</u>	
60.4230—60.4248 (Subpart JJJJ) Table 2 revised	63408
60.4230 (e) revised; eff. 7-29-21	34360
60.4231 (a) through (d) revised; eff. 7-29-21	34360
60.4235 Amended	78463
60.4238 Revised; eff. 7-29-21	34361
60.4239 Revised; eff. 7-29-21	34361
60.4240 Revised; eff. 7-29-21	34361
60.4241 (a), (b), and (i) revised; eff. 7-29-21	34361
60.4242 Revised; eff. 7-29-21	34362
60.4243 (f) revised; eff. 7-29-21	34362
60.4245 (a)(3) revised; eff. 7-29-21	34362
60.4247 (a) revised; eff. 7-29-21	34362
60.4248 Amended; eff. 7-29-21	34363
<u>Part 60, Subpart KKKK – Standards of Performance for Stationary Combustion Turbines</u>	
60.4415 (a)(1) through (3) redesignated as (a)(2) through (4); new (a)(1) added; (a) introductory text and new (2) revised	63410
<u>Part 60, Subpart OOOO - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015</u>	
60.5360—63.5430 (Subpart OOOO) Heading revised	57069
60.5360 Amended	57069
60.5430 Amended	57069
<u>Part 60, Subpart OOOOa - Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015</u>	
60.5360a—60.5439a (Subpart OOOOa) Table 3 amended	57460
60.5360a Revised	57070
60.5360a (a) revised	57438
60.5365 Introductory text, (b), (c), (d)(1), and (e) introductory text revised; (d)(2) removed	57069
60.5365a Introductory text revised	57070
60.5365a (e), (f) introductory text, (g) introductory text, and (1) revised; (i)(4) added	57438
60.5375a Heading and introductory text revised	57070
60.5375a (a)(1)(i), (iii) introductory text, and (f)(3)(ii) revised; (f)(4) added	57439
60.5380a Heading, introductory text, and (a)(1) revised	57070

60.5385a Heading, introductory text, and (a)(3) revised	57070
60.5385a (a)(1) revised	57439
60.5390a Heading and introductory text revised	57070
60.5393a Heading and introductory text revised	57070
60.5393a (b) and (c) revised; (f) removed.....	57439
60.5395a Introductory text revised.....	57440
60.5397a Heading and introductory text revised	57070
60.5397a (a), (c)(2), (7)(i) introductory text, (8) introductory text, (d), (f), (g) introductory text, (1), (2), (5), and (h) revised; (c)(8)(iii) added	57440
60.5398a Heading, (a), and (d)(1)(xi) revised	57070
60.5398a Revised	57442
60.5399a Added	57443
60.5400a Heading and (c) revised	57071
60.5400a Introductory text and (a) revised	57445
60.5401a Heading revised.....	57071
60.5401a (e) and (g) revised.....	57445
60.5402a Heading, (a), and (d)(2) introductory text revised.....	57071
60.5405a Heading revised.....	57445
60.5406a Heading revised.....	57445
60.5407a Heading and (a) introductory text revised	57445
60.5410a (a) introductory text, (b)(1), (d) introductory text, and (f) revised.....	57071
60.5410a Heading, introductory text, (c)(1), (e)(2) through (5), (g) introductory text, (3), (h), (j) introductory text, and (1) revised; (e)(8) removed; (k) added	57445
60.5411a Introductory text, (a) introductory text, (1), (c)(1), (2), (d)(1), and (e) revised.....	57446
60.5412a (a)(1)(i) and (2) amended	57071
60.5412a (a)(1) introductory text, (a)(1)(iv), (c) introductory text, (d)(1)(iv) introductory text, and (D) revised	57447
60.5413a (d)(11)(iii) revised	57071
60.5413a (d)(5)(i) introductory text, (d)(9)(iii), and (d)(12) introductory text revised	57447
60.5415a (b)(1) and (f) revised.....	57071
60.5415a Heading, (b) introductory text, (3), (c)(1), (g) introductory text, (h) introductory text, and (2) revised; (b)(4) removed; (i) and (j) added	57447
60.5416a Introductory text, (a) introductory text, (4) introductory text, (b) introductory text, (c) introductory text, (1), (2) introductory text, and (d) revised; (c)(2)(iv) added.....	57448
60.5417a Introductory text and (a) revised	57449
60.5420 (c)(5)(iv) revised	57069
60.5420a Revised	57449
60.5420a (c)(5)(iv) revised	57072
60.5421a Heading revised.....	57072
60.5422a Heading revised.....	57072
60.5422a (a), (b), and (c) introductory text revised	57457
60.5423a Heading, (b) introductory text revised; (b)(3) added	57458
60.5430a Amended.....	57072, 57458
Part 60 – Appendix A to Part 60 – Test Methods	
60 Appendix A-3 amended	63410
60 Appendix A-4 amended	63414
60 Appendix A-5 amended	63414
60 Appendix A-6 amended	63415
60 Appendix A-7 amended	63415

60 Appendix A-8 amended	63416
<u>Part 60 – Appendix B to Part 60 – Performance Specifications</u>	
60 Appendix B amended.....	63417

Part 61, Subpart A – General Provisions

61.04 (c)(6)(vi) revised.....	57743
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Part 63, Subpart A – General Provisions

63.1 (c)(6) added.....	73884
63.2 Amended.....	63418, 73885
63.6 (b)(7), (c)(1), and (5) revised.....	73885
63.6 (f)(1) and (h)(1) revised	13821
63.9 (b)(1)(ii) and (j) revised; (k) added	73885
63.10 (b)(3) revised	73886
63.12 (c) revised	73887
63.13 (a) introductory text revised	73887
63.14 (h)(92) through (112) redesignated as (h)(93) through (113); new (h)(92) added; (e)(1), (h)(18), (83), (85), (n)(12), (13), and (t)(1) revised.....	40417
63.14 (a) and (q)(2)(i) revised.....	40606
63.14 (h)(31) and (32) amended; (h)(102) through (113) redesignated as (h)(104) through (115); (a), (e)(1), (h)(83), (85), (91), and (93) revised; (h)(103) added	40760
63.14 (h)(12) removed; (h)(13) through (115) and (n)(1) through (24) redesignated as new (h)(12) through (114) and (n)(2) through (25); new (h)(12), (20), (25), (28), (29), (65), (75), (77), (78), and (80) revised; new (n)(1) added	41124
63.14 (h)(49) through (114) redesignated as (h)(51) through (116); (h)(18) through (48) redesignated as (h)(19) through new (49); new (h)(18) and new (50) added; new (h)(21), new (26), new (30), and new (80) revised.....	41295
63.14 (h)(72), (83), (85), (89), and (91) revised.....	39994
63.14 Correction: amended	41411
63.14 (c)(1) and (h)(31) revised	41702
63.14 (e)(1), (h)(106), and (n)(3) revised.....	42114
63.14 Correction: (h)(90) through (102) redesignated as (h)(91) through (103); new (h)(92) and new (94) revised	44217
63.14 (e)(1), (h)(85), (86), (93), (100), and (n)(3) revised	44976
63.14 (e)(1) and (n)(3) revised	45491
63.14 (h)(73), (94), (102), and (t)(1) revised; (n)(14) through (25) redesignated as (n)(17) through (28); (n)(10) through (13) redesignated as (n)(12) through (15)	49132
63.14 (n)(8) through (28) redesignated as (n)(9) through (29); new (n)(8) added	49454
63.14 (e)(1), (h)(26), (30), (50), (86), and (94) revised; (k)(1) through (5) redesignated as (k)(2) through (6); new (k)(1) added	49740

Part 63, Subpart F - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

63.100—63.107 (Subpart F) Table 3 amended	73887
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Part 63, Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

63.110—63.153 (Subpart G) Table 1A amended	73887
63.151 (b)(2)(i) through (iii) revised	73887

<u>Part 63, Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks</u>	
63.160—63.183 (Subpart H) Table 4 amended	73888
63.182 (b)(2)(i) through (iii) revised	73888
<u>Part 63, Subpart J – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production</u>	
63.215 (b) introductory text revised; (b)(4) added	73888
<u>Part 63, Subpart L – National Emission Standards for Coke Oven Batteries</u>	
63.311 (a) revised	73888
<u>Part 63, Subpart M – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities</u>	
63.324 (g) added.....	73888
<u>Part 63, Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks</u>	
63.340—63.348 (Subpart N) Table 1 amended	73889
63.347 (c)(1) introductory text revised	73888
<u>Part 63, Subpart O – Ethylene Oxide Emissions Standards for Sterilization Facilities</u>	
63.360 Table 1 amended	73889
<u>Part 63, Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers</u>	
63.400—63.407 (Subpart Q) Table 1 amended	73889
63.405 (a)(1) introductory text, (2), and (b)(1) revised	73889
<u>Part 63, Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)</u>	
63.420—63.429 (Subpart R) Table 1 amended	73890
63.421 Amended	78463
<u>Part 63, Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry</u>	
63.440—63.459 (Subpart S) Table 1 amended	73890
63.455 (a) revised	73890
<u>Part 63, Subpart T - National Emission Standards for Halogenated Solvent Cleaning</u>	
63.460—63.471 (Subpart T) Appendix B amended	73891
63.468 (a) introductory text, (b) introductory text, (c) introductory text, and (d) introductory text revised	73890
<u>Part 63, Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins</u>	
63.480—63.507 (Subpart U) Table 1 amended	73891
<u>Part 63, Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production</u>	
63.520—63.529 (Subpart W) Table 1 amended	73891
<u>Part 63, Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting</u>	
63.541—63.552 (Subpart X) Table 1 amended	73892
<u>Part 63, Subpart Y – National Emission Standards for Marine Tank Vessel Loading Operations</u>	
63.560 Table 1 amended	73892
63.567 (b)(2) introductory text and (3) revised.....	73892
<u>Part 63, Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants</u>	
63.600—63.611 (Subpart AA) Table 1 revised	69512

63.600—63.611 (Subpart AA) Appendix A amended	73892
63.602 (a)(2)(ii) revised.....	69512
<u>Part 63, Subpart BB</u> - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants	
63.620—63.632 (Subpart BB) Appendix A amended	73892
<u>Part 63, Subpart CC</u> - National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries	
63.640—63.671 (Subpart CC) Appendix amended	73893
<u>Part 63, Subpart DD</u> - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations	
63.680—63.698 (Subpart DD) Table 2 amended	73893
63.697 (a)(1) introductory text revised	73893
<u>Part 63, Subpart EE</u> - National Emission Standards for Magnetic Tape Manufacturing Operations	
63.701—63.708 (Subpart EE) Table 1 amended	73894
63.701—63.708 (Subpart EE) Correction; instruction amended	84262
<u>Part 63, Subpart GG</u> - National Emission Standards for Aerospace Manufacturing and Rework Facilities	
63.741—63.759 (Subpart GG) Table 1 amended	73894
<u>Part 63, Subpart HH</u> - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities	
63.760—63.779 (Subpart HH) Appendix 2 amended	73895
63.760 (a)(1) introductory text revised	73894
63.775 (c)(1) revised.....	73894
<u>Part 63, Subpart II</u> - National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)	
63.780—63.789 (Subpart II) Table 1 amended	73895
<u>Part 63, Subpart JJ</u> - National Emission Standards for Wood Furniture Manufacturing Operations	
63.800—63.819 (Subpart JJ) Table 1 amended	73895
<u>Part 63, Subpart KK</u> - National Emission Standards for the Printing and Publishing Industry	
63.820—63.839 (Subpart KK) Table 1 amended	73895
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SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

MEMORANDUM

DATE: October 5, 2021

TO: Members of the Air Quality Advisory Council

FROM: Kendal Stegmann, Director *KS*
Air Quality Division

SUBJECT: Proposed Revisions in OAC 252:100-1, -7, -8

The Department of Environmental Quality (DEQ) is proposing to amend OAC 252:100, Subchapters 1, 7, and 8, to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the construction permit. This proposed revision will clarify a policy that was in place prior to the recent revisions to the permitting rules that went into effect on September 15, 2021. DEQ is also proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 15, 2021. The notice requested written comments from the public and other interested parties. No comments have been received as of October 5, 2021. At the October meeting, staff will ask the Council to recommend the proposed rule changes to the Environmental Quality Board for adoption as permanent rules.

Enclosures: Proposed Amendments to OAC 252:100-1 -7, -8
Rule Impact Statement



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

SUBCHAPTER 1. GENERAL PROVISIONS

252:100-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise or unless defined specifically for a Subchapter, section, or subsection in the Subchapter, section, or subsection.

"Act" means the Federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

"Administrator" means, unless specifically defined otherwise, the Administrator of the United States Environmental Protection Agency (EPA) or the Administrator's designee.

"Air contaminant source" means any and all sources of emission of air contaminants (pollutants), whether privately or publicly owned or operated, or person contributing to emission of air contaminants. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating and power plants or stations, buildings and other structures of all types.

"Air pollution abatement operation" means any operation which has as its essential purpose a significant reduction in:

- (A) the emission of air contaminants, or
- (B) the effect of such emission.

"Air pollution episode" means high levels of air pollution existing for an extended period (24 hours or more) of time which may cause acute harmful health effects during periods of atmospheric stagnation, without vertical or horizontal ventilation. This occurs when there is a high pressure air mass over an area, a low wind speed and there is a temperature inversion. Other factors such as humidity may also affect the episode conditions.

"Ambient air standards" or **"Ambient air quality standards"** means levels of air quality as codified in OAC 252:100-3.

"Atmosphere" means the air that envelops or surrounds the earth.

"Best available control technology" or **"BACT"** means the best control technology that is currently available as determined by the Director on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs of alternative control systems.

"Building, structure, facility, or installation" means:

- (A) all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.
- (B) notwithstanding the provisions of subparagraph (A), for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within 1/4 mile of one another (measured from the center of the equipment on the surface

site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators, or emissions control devices. Surface site, as used in this definition, has the same meaning as in 40 CFR 63.761.

"Carbon dioxide equivalent emissions" or "CO₂e" means an amount of GHG emitted, and shall be computed by multiplying the mass amount of emissions, for each of the six greenhouse gases in the pollutant GHG, by the gas' associated global warming potential (GWP) published in Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each to compute a CO₂e.

"Catalytic cracking unit" means a unit composed of a reactor, regenerator and fractionating towers which is used to convert certain petroleum fractions into more valuable products by passing the material through or commingled with a bed of catalyst in the reactor. Coke deposits produced on the catalyst during cracking are removed by burning off in the regenerator.

"Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

"Commence" means, unless specifically defined otherwise, that the owner or operator of a facility to which neither a NSPS or NESHAP applies has begun the construction or installation of the emitting units on a pad or in the final location at the facility.

"Commencement of operation" or "commencing operation" means the owner or operator of the stationary source has begun, or caused to begin, emitting a regulated air pollutant from any activity for which the stationary source is designed and/or permitted.

"Complete" means in reference to an application for a permit, the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Director from requesting or accepting any additional information.

"Construction" means, unless specifically defined otherwise, fabrication, erection, or installation of a source.

"Crude oil" means a naturally occurring hydrocarbon mixture which is a liquid at standard conditions. It may contain sulfur, nitrogen and/or oxygen derivatives of hydrocarbon.

"Direct fired" means that the hot gasses produced by the flame or heat source come into direct contact with the material being processed or heated.

"Division" means Air Quality Division, Oklahoma State Department of Environmental Quality.

"Dust" means solid particulate matter released into or carried in the air by natural forces, by any fuel-burning, combustion, process equipment or device, construction work, mechanical or industrial processes.

"EPA" means the United States Environmental Protection Agency.

"Excess emissions" means the emission of regulated air pollutants in excess of an applicable limitation or requirement as specified in the applicable limiting Subchapter, permit, or order of the DEQ. This term does not include fugitive VOC emissions covered by an existing leak detection and repair program that is required by a federal or state regulation.

"Existing source" means, unless specifically defined otherwise, an air contaminant source which is in being on the effective date of the appropriate Subchapter, section, or paragraph of these rules.

"Facility" means all of the pollutant-emitting activities that meet all the following conditions:

(A) Are under common control.

(B) Are located on one or more contiguous or adjacent properties.

(C) Have the same two-digit primary SIC Code (as described in the Standard Industrial Classification Manual, 1987).

"Federally enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

"Fuel-burning equipment" means any one or more of boilers, furnaces, gas turbines or other combustion devices and all appurtenances thereto used to convert fuel or waste to usable heat or power.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than a stack or chimney.

"Fugitive emissions" means, unless specifically defined otherwise, those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Fume" means minute solid particles generated by the condensation of vapors to solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction when these processes create airborne particles.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

"Greenhouse gas" or **"GHG"** means the air pollutant defined in 40 CFR § 86.1818-12(a) as the aggregate group of six greenhouse gases: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

"Gross particulate matter" or **"GPM"** means particulate matter with an aerodynamic diameter greater than 10 micrometers.

"In being" means as used in the definitions of New Installation and Existing Source that an owner or operator has undertaken a continuous program of construction or modification or the owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification prior to the compliance date for installation as specified by the applicable regulation.

"Incinerator" means a combustion device specifically designed for the destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes and from which the solid residues contain little or no combustible material.

"Indirect fired" means that the hot gasses produced by the flame or heat source do not come into direct contact with the material, excluding air, being processed or heated.

"Installation" means an identifiable piece of process equipment.

"Lowest achievable emissions rate" or **"LAER"** means, for any source, the more stringent rate of emissions based on paragraphs (A) and (B) of this definition. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of LAER allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standard of performance for the new source.

(A) LAER means the most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable, or

(B) LAER means the most stringent emissions limitation which is achieved in practice by such class or category of stationary sources.

"Major source" means any new or modified stationary source which directly emits or has the capability at maximum design capacity and, if appropriately permitted, authority to emit 100 tons per year or more of a given pollutant. (OAC 252:100-8, Part 3)

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

"Minor NSR" means any NSR permit action under Subchapter 7 or 8 that is not Prevention of Significant Deterioration or Nonattainment NSR.

"Mist" means a suspension of any finely divided liquid in any gas or atmosphere excepting uncombined water.

"Modification" means any physical change in, or change in the method of operation of, a source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted, except that:

(A) routine maintenance, repair and replacement shall not be considered physical changes; and,

(B) the following shall not be considered a change in the method of operation:

(i) any increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(ii) an increase in hours of operation;

(iii) use of alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such source the affected facility is designed to accommodate such alternative use.

"National Emission Standards for Hazardous Air Pollutants" or "NESHAP" means those standards found in 40 CFR Parts 61 and 63.

"New installation", "New source", or "New equipment" means an air contaminant source which is not in being on the effective date of these regulations and any existing source which is modified, replaced, or reconstructed after the effective date of the regulations such that the amount of air contaminant emissions is increased.

"New Source Performance Standards" or "NSPS" means those standards found in 40 CFR Part 60.

"New source review" or "NSR" means a process of evaluation performed by the DEQ to determine the applicable requirements that must be incorporated into a construction permit issued by the DEQ as necessary to authorize construction, modification, or change in the method of operation of a new or existing stationary source. DEQ's NSR program, at a minimum, must meet the requirements of 40 CFR Part 51, Subpart I.

"Nonmethane organic compounds" or "NMOC" means nonmethane organic compounds, as defined in 40 CFR 60.754.

"NSR permit" means a construction permit issued by the DEQ as necessary to authorize construction, modification, or change in the method of operation of a new or existing stationary source.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

"Organic compound" means any chemical compound containing the element carbon.

"Owner or operator" means any person who owns, leases, operates, controls or supervises a source.

"Part 70 permit" means (unless the context suggests otherwise) any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this Chapter.

"Part 70 program" means a program approved by the Administrator under 40 CFR Part 70.

"Part 70 source" means any source subject to the permitting requirements of Part 5 of Subchapter 8, as provided in OAC 252:100-8-3(a) and (b).

"PM₁₀ emissions" means particulate matter emitted to the ambient air with an aerodynamic diameter of 10 micrometers or less as measured by applicable reference methods, or an equivalent or alternative method.

"PM₁₀" means particulate matter with an aerodynamic diameter of 10 micrometers or less.

"PM_{2.5}" means particulate matter with an aerodynamic diameter of 2.5 micrometers or less.

"Particulate matter" or **"PM"** means any material that exists in a finely divided form as a liquid or a solid.

"Particulate matter emissions" means particulate matter emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method.

"Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

"Prevention of significant deterioration" or **"PSD"** means increments for the protection of attainment areas as codified in OAC 252:100-3.

"Process equipment" means any equipment, device or contrivance for changing any materials or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants into the open air, but not including that equipment specifically defined as fuel-burning equipment, or refuse-burning equipment.

"Process weight" means the weight of all materials introduced in a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for the purposes of combustion. Process weight rate means a rate established as follows:

(A) for continuous or long-run, steady-state, operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(B) for cyclical or batch source operations, the total process weight for a period which covers a complete or an integral number of cycles, divided by the hours of actual process operation during such period.

(C) where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, that interpretation which results in the minimum value for allowable emission shall apply.

"Reasonably available control technology" or "RACT" means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

- (A) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;
- (B) The social, environmental, and economic impact of such controls; and
- (C) Alternative means of providing for attainment and maintenance of such standard.

"Reconstruction" means

(A) the replacement of components of an existing source to the extent that will be determined by the Executive Director based on:

- (i) the fixed capital cost (the capital needed to provide all the depreciable components of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source);
- (ii) the estimated life of the source after the replacements is comparable to the life of an entirely new source; and,
- (iii) the extent to which the components being replaced cause or contribute to the emissions from the source.

(B) a reconstructed source will be treated as a new source for purposes of OAC 252:100-8, Part 9.

"Refinery" means any facility engaged in producing gasoline, kerosene, fuel oils or other products through distillation of crude oil or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

"Refuse" means, unless specifically defined otherwise, the inclusive term for solid, liquid or gaseous waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial, commercial and domestic solid, liquid or gaseous waste; trees or shrubs; tree or shrub trimmings; grass clippings; brick, plaster, lumber or other waste resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk or other such substances.

"Refuse-burning equipment" means any equipment, device, or contrivance, and all appurtenances thereto, used for the destruction of combustible refuse or other combustible wastes by burning.

"Regulated air pollutant" means any substance or group of substances listed in Appendix P of this Chapter, or any substance regulated as an air pollutant under any federal regulation for which the Department has been given authority, or any other substance for which an air emission limitation or equipment standard is set by an enforceable permit.

"Responsible official" means one of the following:

(A) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

- (ii) The delegation of authority to such representatives is approved in advance by the DEQ;
- (B) For the partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (C) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For purposes of this Chapter, a principal executive officer or installation commander of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- (D) For affected sources:
 - (i) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (ii) The designated representative for any other purposes under this Chapter.

"Shutdown" means the cessation of operation of any process, process equipment, or air pollution control equipment.

"Smoke" means small gas-borne or air-borne particles resulting from combustion operations and consisting of carbon, ash, and other matter any or all of which is present in sufficient quantity to be observable.

"Source operation" means the last operation preceding the emission of an air contaminant, which operation:

- (A) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and,
- (B) is not an air pollution abatement operation.

"Stack" means, unless specifically defined otherwise, any chimney, flue, duct, conduit, exhaust, pipe, vent or opening, excluding flares, designed or specifically intended to conduct emissions to the atmosphere.

"Standard conditions" means a gas temperature of 68 degrees Fahrenheit (20° Centigrade) and a gas pressure of 14.7 pounds per square inch absolute.

"Startup" means the setting into operation of any process, process equipment, or air pollution control equipment.

"Stationary source" means, unless specifically defined otherwise, any building, structure, facility, or installation either fixed or portable, whose design and intended use is at a fixed location and emits or may emit an air pollutant subject to OAC 252:100.

"Temperature inversion" means a phenomenon in which the temperature in a layer of air increases with height and the cool heavy air below is trapped by the warmer air above and cannot rise.

"Title V permit" means (unless the context suggests otherwise) an operating permit for a Part 70 source.

"Total Suspended Particulates" or **"TSP"** means particulate matter as measured by the high-volume method described in Appendix B of 40 CFR Part 50.

"Visible emission" means any air contaminant, vapor or gas stream which contains or may contain an air contaminant which is passed into the atmosphere and which is perceptible to the human eye.

"Volatile organic compound" or "VOC" means any organic compound that participates in atmospheric photochemical reactions resulting in the formation of tropospheric ozone. Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, ammonium carbonates, tert-butyl acetate and compounds listed in 40 CFR 51.100(s)(1) are presumed to have negligible photochemical reactivity and are not considered to be VOC.

SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES

PART 1. GENERAL PROVISIONS

252:100-7-1.1. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise:

"Actual emissions" means the total amount of any regulated air pollutant actually emitted from a given facility during a particular calendar year, determined using methods contained in OAC 252:100-5-2.1(d).

"Administratively complete" means an application that provides:

- (A) All information required under OAC 252:100-7-15(c) and 252:100-7-18(e);
- (B) A landowner affidavit as required by OAC 252:4-7-13(b);
- (C) The appropriate application fees as required by OAC 252:100-7-3; and
- (D) Valid certification by the applicant.

"Best Available Control Technology" or "BACT" means the best control technology that is currently available as determined by the Director on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs.

"Commence" means, as applied to the construction or modification of a minor facility to which neither a NSPS or NESHAP applies, that the owner or operator has begun the construction or installation of the emitting equipment on a pad or in the final location at the facility.

"De minimis facility" means a facility that meets the requirements contained in paragraphs (A) and (B) of this definition.

(A) All the air pollutant emitting activities at the facility are on the de minimis list contained in Appendix H or the facility meets all of the following de minimis criteria:

- (i) The facility has actual emissions of 5 TPY or less of each regulated air pollutant, except that fraction of particulate matter that exhibits an aerodynamic particulate diameter of more than 10 micrometers (μm).
- (ii) The facility is not a "major source" as defined in OAC 252:100-8-2.
- (iii) The facility is not a "major stationary source" as defined in OAC 252:100-8-31 for facilities in attainment areas.
- (iv) The facility is not a "major stationary source" as defined in OAC 252:100-8-51 for facilities in nonattainment areas.
- (v) The facility is not operated in conjunction with another facility or source that is subject to air quality permitting.
- (vi) The facility has not opted to obtain or retain an Air Quality Division permit.

(B) The facility is not subject to the Federal NSPS (40 CFR Part 60) or the Federal NESHAP (40 CFR Parts 61 and 63).

"Emergency engine" means a stationary engine used to resume essential operations or ensure safety during sudden and unexpected occurrences including but not limited to loss of electrical power, fire, and/or flood.

"Facility" means all of the pollutant-emitting activities that meet all the following conditions:

- (A) Are under common control.
- (B) Are located on one or more contiguous or adjacent properties.
- (C) Have the same two-digit primary SIC Code (as described in the Standard Industrial Classification Manual, 1987).

"Federally Enforceable State Operating Permit" or **"FESOP"** means an operating permit issued under Subchapter 7 of this Chapter, including operating permits issued under the provisions of 252:4-7-33(a)(2). As such, for the purposes of this subchapter, "FESOP" and "operating permit" are synonymous.

"FESOP Enhanced NSR process" means a process under which the evaluation of requirements applicable under NSR is integrated with a determination of procedural and compliance requirements under the DEQ's FESOP program. This process is only available for facilities already operating under a FESOP permit. Under a FESOP enhanced NSR process, the 30-day public and EPA review period of a draft NSR permit is integrated with the review of the draft FESOP modification, and results in the issuance of a minor source construction permit whose applicable FESOP implications have also been reviewed. Later the requirements of the construction permit may be incorporated into a modified FESOP using the minor source operating permit modification process, without further public or EPA review, as authorized in OAC 252:4-7-13(g)(9) and OAC 252:100-7-18(f).

"Gasoline dispensing facility" means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment, as these terms are used in 40 CFR Part 63 Subpart CCCCCC.

"Hazardous Air Pollutant" or **"HAP"** means any hazardous air pollutant regulated under Section 112 of the Federal Clean Air Act, 42 U.S.C. Section 7412, and subject to NESHAP.

"Minor facility" means a facility which is not a Part 70 source.

"National Emission Standards for Hazardous Air Pollutants" or **"NESHAP"** means those standards as published by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Section 112 of the Federal Clean Air Act, 42 U.S.C. Section 7412.

"New portable source" means a portable source that has never operated within the State of Oklahoma. This includes sources that are initially constructed and existing facilities that are relocating into Oklahoma from another state.

"New Source Performance Standards" or **"NSPS"** means those standards found in 40 CFR Part 60.

"Permit exempt facility" means a facility that:

- (A) has actual emissions in every calendar year that are 40 TPY or less of each regulated air pollutant;
- (B) is not a de minimis facility as defined in OAC 252:100-7-1.1;
- (C) is not a "major source" as defined in OAC 252:100-8-2 for Part 70 sources;

- (D) is not a "major stationary source" as defined in OAC 252:100-8-31 for PSD facilities in attainment areas;
- (E) is not a "major stationary source" as defined in OAC 252:100-8-51 for facilities in nonattainment areas;
- (F) is not operated in conjunction with another facility or source that is subject to air quality permitting;
- (G) is not subject to an emission standard, equipment standard, or work practice standard in the Federal NSPS (40 CFR Part 60) or the Federal NESHAP (40 CFR Parts 61 and 63); and
- (H) is not subject to the requirements of OAC 252:100-39-47.

"Portable source" means a source with design and intended use to allow disassembly or relocation.

"Relocate" means to move a source from one geographical location to another. The term does not include minimal moves within the facility boundaries.

"Regulated air pollutant" means any substance or group of substances listed in Appendix P of this Chapter, or any substance regulated as an air pollutant under any federal regulation for which the Department has been given authority, or any other substance for which an air emission limitation or equipment standard is set by an enforceable permit.

"Replacement unit" means an emissions unit for which all the criteria listed in paragraphs (A) through (D) of this definition are met.

(A) The emissions unit is a reconstructed unit within the meaning of 40 C.F.R. Section 60.15(b)(1), the emissions unit is a reconstructed unit within the meaning of paragraph (1) in the definition of "Reconstruction" in 40 C.F.R. Section 63.2, or the emissions unit completely takes the place of an existing emissions unit.

(B) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(C) The replacement unit does not alter the basic design parameter(s) of the process unit.

(D) The replaced emissions unit is permanently removed from the source, otherwise permanently disabled, or permanently barred from operating by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

"Traditional NSR process" means a process under which the evaluation of requirements applicable under NSR is performed independently of the determination of procedural and compliance requirements under the FESOP program. This process is required for facilities that have not yet received a FESOP, but it may also be used (as an alternative to the FESOP Enhanced NSR process) for facilities that have already received a FESOP. The traditional NSR process provides a 30-day public and EPA review period on the draft construction (NSR) permit, as described in OAC 252:100-7-17 and OAC 252:4-7. This process is independent of the subsequent application, review, and issuance process for the source's initial or modified FESOP that also includes a 30-day public and EPA review period, as described in OAC 252:100-7-18 and OAC 252:4-7.

252:100-7-2. Requirement for permits for minor facilities

(a) **Permit required.** Except as provided in OAC 252:100-7-2 and 252:100-7-18(b), no person may commence construction or modification of any minor facility, may operate any new minor facility, or may relocate any minor portable source without obtaining a permit from the DEQ. For

additional application and permitting procedures, see OAC 252:4, Subchapter 7. Environmental Permit Process.

(b) Exceptions.

(1) **De minimis facilities.** De minimis facilities are exempted from the permitting requirements of OAC 252:100-7. De minimis facilities remain subject only to the following air quality control

(A) De minimis facilities must comply with OAC 252:100-13, Open Burning.

(B) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or 252:100-24, Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-25, Visible Emissions and Particulates.

(C) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or 252:100-24, Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-29, Control of Fugitive Dust.

(D) De minimis facilities must comply with OAC 252:100-42 Control of Toxic Air Contaminants.

(E) De minimis facilities must comply with 252:100-5, Registration, Emission Inventory and Annual Operating Fees.

(2) **Permit exempt facilities.** Permit exempt facilities are exempted from the permitting requirements of OAC 252:100-7. Permit exempt facilities remain subject to all other applicable State and Federal air quality control rules and standards.

(3) **Emergency engines at residential and school facilities.** Primary and secondary schools and single family residences with an emergency engine are exempted from the permitting requirements of OAC 252:100-7.

(4) **Gasoline dispensing facilities with throughput of less than 100,000 gallons per month.** Gasoline dispensing facilities in compliance with 40 CFR Part 63 Subpart CCCCCC, and whose primary or only obligation to obtain a permit is due to the construction (installation) and/or operation of a gasoline dispensing facility, with throughput of less than 100,000 gallons per month on a rolling annual average are exempt from the permitting requirements of OAC 252:100-7.

(5) Construction Activities Prior to Issuance of a Minor NSR (Construction) Permit. After the submission of an administratively complete minor NSR construction permit application, but prior to the issuance of the corresponding construction permit, an applicant may begin construction up to, but not including, making any new, modified, or reconstructed unit operational such that it has the ability to emit any regulated air pollutant. The applicant assumes the risk of losing any investment it makes toward implementing such construction prior to the issuance of a construction permit authorizing the construction. This paragraph does not serve as authorization by DEQ of the requested construction. In addition, this exception does not exempt the owner or operator from any applicable requirements under federal rules (e.g., NSPS or NESHAP) or state-only regulations.

(c) Permit application.

(1) All applications shall be signed by the applicant.

(2) The signature on an application for a permit shall constitute an implied agreement that the applicant shall be responsible for assuring construction or operation, as applicable, in accordance with the application and OAC 252:100.

(3) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit such supplementary facts or corrected information within 30 days unless the applicant's request for more time has been approved by the DEQ. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of the draft permit.

(d) **Applicability determination.** Upon written request along with the required fee and any relevant information needed, the DEQ will make a determination of whether a permit is required.

(e) **Change in permit status.** The owner or operator of a permitted facility may at any time notify the DEQ that the facility:

(1) Is de minimis, requesting termination of the permit, or

(2) Qualifies for either a permit by rule or a general permit, submitting the appropriate application for such permit, or

(3) Is permit exempt, requesting termination of the permit.

(f) **Transfer of permit.** The transfer of ownership of a stationary source or a facility is an administrative amendment that shall subject the new owner or operator to existing permit conditions and/or compliance schedules. A new permit is not required. The transferor shall notify the DEQ using a prescribed form no later than 30 days following the change in ownership.

(g) **Emission calculation methods.** The methods in OAC 252:100-5-2.1(d) shall be used when calculating regulated air pollutant emission rates for purposes of determining if a DEQ-issued air quality permit is required or what type of permit is required.

PART 3. CONSTRUCTION PERMITS

252:100-7-15. Construction permit

(a) **Construction permit required.** Except as provided in OAC 252:100-7-2(b)(5), ~~A~~ a construction permit is required to commence construction or installation of a new facility or the modification of an existing facility as specified in OAC 252:100-7-15(a)(1) and (2).

(1) **New Facility.** No person shall cause or allow the construction or installation of any new minor facility other than a de minimis facility or a permit exempt facility as defined in OAC 252:100-7-1.1 without first obtaining a DEQ-issued air quality construction permit.

(2) **Modification of an existing facility.**

(A) A construction permit is required for any modification that would cause an existing facility to no longer qualify for de minimis status, permit exempt facility status, or its current permit category.

(B) A construction permit is required for an existing facility covered by an individual permit:

(i) ~~to add a piece of equipment or a process~~ an "affected facility," "affected source," or "new source" as those terms are defined in 40 CFR Section 60.2, 40 CFR Section 63.2, and 40 CFR Section 61.02, respectively, that is subject to an emission standard, equipment standard, or work practice standard in a federal NSPS (40 CFR Part 60) or a federal NESHAP (40 CFR Parts 61 and 63) or

- (ii) to add or physically modify a piece of equipment or a process that results in a permitted emissions increase of any one regulated air pollutant by more than 5 TPY.
- (C) The requirement to obtain a construction permit under OAC 252:100-7-15(a)(2)(B)(i) does not apply to replacement of a piece of equipment, provided the replacement unit does not require a change in any emission limit in the existing permit, and the owner or operator notifies the DEQ in writing within fifteen (15) days of the startup of the replacement unit, and/or as otherwise specified by the permit.
- (b) **Permit categories.** Three types of construction permits are available: permit by rule, general permit, and individual permit. A permit by rule may be adopted or a general permit may be issued for an industry if there are a sufficient number of facilities that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements.
 - (1) **Permit by rule.** An owner or operator of a minor facility may apply for registration under a permit by rule if the following criteria are met:
 - (A) The facility has actual emissions of 40 TPY or less of each regulated air pollutant, except HAPs.
 - (B) The facility does not emit or have the potential to emit 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.
 - (C) The DEQ has established a permit by rule for the industry in Part 9 of this Subchapter.
 - (D) The owner or operator of the facility certifies that it will comply with the applicable permit by rule.
 - (E) The facility is not operated in conjunction with another facility or source that is subject to air quality permitting.
 - (2) **General permit.** Minor facilities may qualify for authorization under a general permit if the following criteria are met:
 - (A) The facility has actual emissions less than 100 TPY of each regulated air pollutant, except for HAPs.
 - (B) The facility does not emit or have the potential to emit 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.
 - (C) The DEQ has issued a general permit for the industry.
 - (3) **Individual permit.** The owners or operators of minor facilities requiring permits under this Subchapter which do not qualify for permit by rule or a general permit shall obtain individual permits. An owner or operator may apply for an individual permit even if the facility qualifies for a permit by rule or a general permit.
- (c) **Content of construction permit application.** Construction permit applications shall contain at least the data and information listed in OAC 252:100-7-15(c)(1) and (2).
 - (1) **Individual permit.** An applicant for an individual construction permit shall provide data and information required by this Chapter on an application form available from the DEQ. Such data and information should include but not be limited to:
 - (A) site information,
 - (B) process description,
 - (C) emission data,
 - (D) BACT when required,
 - (E) sampling point data and
 - (F) modeling data when required.

(2) **General permit.** An applicant for authorization under a general permit shall provide data and information required by that permit on a form available from the DEQ. For general permits that provide for application through the filing of a notice of intent (NOI), authorization under the general permit is effective upon receipt of the NOI.

(d) **Permit contents.** The construction permit:

(1) Shall require the permittee to comply with all applicable air pollution rules.

(2) Shall prohibit the exceedance of ambient air quality standards contained in OAC 252:100-3.

(3) May establish permit conditions and limitations as necessary to assure compliance with all rules.

(e) **Duty to comply with the construction permit.** The permittee shall comply with all limitations and conditions of the construction permit. A violation of the limitations or conditions contained in the construction permit shall subject the owner or operator of a facility to any or all enforcement penalties, including permit revocation, available under the Oklahoma Clean Air Act and Air Pollution Control Rules. No operating permit will be issued until the violation has been resolved to the satisfaction of the DEQ.

(f) **Cancellation of authority to construct or modify.** The authority to construct or modify granted by a duly issued construction permit will terminate (unless extended as provided below) if the construction is not commenced within 18 months of the permit issuance date, or if work is suspended for more than 18 months after it has commenced.

(g) **Extension of authorization to construct or modify.**

(1) Prior to the permit expiration date, a permittee may apply for extension of the permit by written request of the DEQ stating the reasons for the delay/suspension and providing justification for the extension. The DEQ may grant:

(A) one extension of 18 months or less or

(B) one extension of up to 36 months where the applicant is proposing to expand an already existing facility to accommodate the proposed new construction or the applicant has expended a significant amount of money (1% of total project cost as identified in the original application, not including land cost) in preparation for meeting the definition of "commence construction" at the proposed site.

(2) If construction has not commenced within three (3) years of the effective date of the original permit, the permittee must undertake and complete an appropriate available control technology review and an air quality analysis. This review must be approved by the DEQ before construction may commence.

(h) **Expiration of authorization to construct or modify.** The authorization to construct or modify under the construction permit shall expire upon completion of the construction or modification, or as otherwise provided in (e), (f), or (g). However, the requirements established under (d) shall continue in effect until and unless the facility or affected unit ceases operations, was never constructed in the first place, or the requirement is superseded under a subsequently-issued construction permit or a FESOP that has undergone public review.

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. Requirements for construction and operating permits

(a) Construction permits.

(1) Construction permit required.

(A) **Facilities without Part 70 operating permits.** Except as provided in OAC 252:100-8-4(a)(1)(D), ~~No~~ no person shall begin actual construction or installation of any new source that will require a Part 70 operating permit without first obtaining a DEQ-issued air quality construction permit under Part 5 of OAC 252:100-8.

(B) **Facilities with Part 70 operating permits.** Except as provided in OAC 252:100-8-4(a)(1)(D), ~~A~~ a construction permit is also required prior to

(i) reconstruction of a major affected source under 40 CFR Part 63,

(ii) reconstruction of a major source if it would then become a major affected source under 40 CFR Part 63,

(iii) commencement of any physical change or change in method of operation that would be a significant modification under OAC 252:100-8-7.2(b)(2), or

(iv) commencement of any physical change or change in method of operation that, for any one regulated air pollutant, would increase potential to emit by more than 10 TPY, calculated using the approach in 40 C.F.R. Section 49.153(b).

(C) **Additional Requirements.** In addition to the requirements of this Part, sources subject to Part 7 or Part 9 of this Subchapter must also meet the applicable requirements contained therein.

(D) Construction Activities Prior to Issuance of a Minor NSR (Construction) Permit. After the submission of an administratively complete minor NSR construction permit application, but prior to the issuance of the corresponding construction permit, an applicant may begin construction up to, but not including, making any new, modified, or reconstructed unit operational such that it has the ability to emit any regulated air pollutant. The applicant assumes the risk of losing any investment it makes toward implementing such construction prior to the issuance of a construction permit authorizing the construction. This subparagraph does not serve as authorization by DEQ of the requested construction. In addition, this exception does not exempt the owner or operator from any applicable requirements under federal rules (e.g., NSPS or NESHAP) or state-only regulations.

(2) Requirement for case-by-case MACT determinations.

(A) **Applicability.** The requirement for case-by-case MACT determinations apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after June 29, 1998, unless the source has been specifically regulated or exempted from regulation under a subpart of 40 CFR Part 63, or the owner or operator has received all necessary air quality permits for such construction or reconstruction before June 29, 1998.

(B) **Exclusions.** The following sources are not subject to this subsection.

(i) Electric utility steam generating units unless and until these units are added to the source category list.

- (ii) Stationary sources that are within a source category that has been deleted from the source category list.
 - (iii) Research and development activities as defined in 40 CFR § 63.41.
 - (C) **MACT determinations.** If subject to this subsection, an owner or operator may not begin actual construction or reconstruction of a major source of HAP until obtaining from the DEQ an approved MACT determination in accordance with the following regulations: 40 CFR 63.41, 40 CFR 63.43 and 40 CFR 63.44, which are hereby incorporated by reference as they exist on July 1, 2000.
- (b) **Operating permits.**
- (1) **Operating permits required.** Except as provided in subparagraphs (A) and (B) of this paragraph, no Part 70 source subject to this Chapter may operate after the time that it is required to file a timely application with the DEQ, except in compliance with a DEQ-issued permit.
 - (A) If the owner or operator of a source subject to the requirement to obtain a Part 70 permit submits a timely application for Part 70 permit issuance or renewal, that source's failure to have a Part 70 permit shall not be a violation of the requirement to have such a permit until the DEQ takes final action on the application. This protection shall cease to apply if the applicant fails to submit, by the deadline specified in writing by the DEQ or OAC 252:100-8-4, any additional information identified as being reasonably required to process the application.
 - (B) If the owner or operator of a source subject to this Subchapter files a timely application that the DEQ determines to be administratively incomplete due to the applicant's failure to timely provide additional information requested by the DEQ, the applicant loses the protection granted under paragraph (A) of this Section. The source's failure to have a Part 70 permit shall be deemed a violation of this Subchapter.
 - (C) Filing an operating permit application shall not affect the requirement, if any, that a source have a construction permit.
 - (2) **Duty to apply.** For each Part 70 source, the owner or operator shall submit a timely and complete permit application on forms supplied by the DEQ in accordance with this section.
 - (3) **Timely application.**
 - (A) A new source shall file an administratively complete operating permit application within 180 days of commencement of operation.
 - (B) An existing source that becomes subject to the Part 70 operating permit program due to modification shall file an administratively complete operating permit application within 180 days of commencement of operation of the modification.
 - (C) An existing source that becomes subject to the Part 70 operating permit program without undergoing physical or operational changes resulting in an increase in the emission of any air pollutant subject to regulation shall file an administratively complete operating permit application by March 6, 1999 or within 12 months after the date the source first becomes subject to the Part 70 operating permit program, whichever is later.
 - (4) [Reserved]
 - (5) [Reserved]
 - (6) **Application acceptability.** Notwithstanding the deadlines established in paragraph (4) of this subsection, an application filed prior to the above deadlines following submission of the state program to EPA for approval shall be accepted for processing.
 - (7) **112(g) applications.** A source that is required to meet the requirements under section 112(g) of the Act, or to have a permit under a preconstruction review program under Title I of

such Act, shall file an application to obtain an operating permit or permit amendment or modification within twelve months of commencing operation. Where an existing Part 70 operating permit would prohibit such construction or change in operation, the source must obtain a construction permit before commencing construction.

(8) **Application for renewal.** Sources subject to this Chapter shall file an application for renewal of an operating permit at least 180 days before the date of permit expiration, unless a longer period (not to exceed 540 days) is specified in the permit. Renewal periods greater than 180 days are subject to negotiation on a case-by-case basis.

(9) **Phase II acid rain permits.** Sources required to submit applications under the Acid Rain Program shall submit these applications as required by 40 CFR 72.30(b)(2)(i) through (viii).

(10) **Application completeness.** See Environmental Permit Process, OAC 252:4-7-7 and the definition of "administratively complete" in OAC 252:100-8-2.

(c) **Enhanced NSR process.** An existing Part 70 source covered by an operating permit issued under this subchapter may be eligible to utilize the enhanced NSR process, including the public notice procedures of OAC 252:4-7-13(g)(4) for a construction permit for modification of the source.

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

Before the Air Quality Advisory Council on October 20, 2021
Before the Environmental Quality Board on November 9, 2021

RULE IMPACT STATEMENT

Subchapter 1. General Provisions

252:100-1-3 [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1 [AMENDED]

252:100-7-2 [AMENDED]

Part 3. Construction Permits

252:100-7-15 [AMENDED]

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]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to amend OAC 252:100, Subchapters 1, 7, and 8, to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the construction permit. The Department is also proposing to revise OAC 252:100-7-15(a)(2)(B)(i) to give regulatory clarity regarding when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). The gist of the proposed rule and the underlying reason for these revisions is to provide flexibility and clarity to the regulated community.

CLASSES OF PERSONS AFFECTED: Classes of persons affected are the owners and operators of facilities that are subject to the minor NSR permitting requirements in OAC 252:100-7 (minor facilities) and OAC 252:100-8 (major sources).

CLASSES OF PERSONS WHO WILL BEAR COSTS: The owners and operators of facilities that are subject to the minor NSR permitting requirements in OAC 252:100-7 and OAC 252:100-8 will bear the costs.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts from private or public entities pertaining to the proposed rule.

CLASSES OF PERSONS BENEFITTED: The proposed changes will benefit the owners and operators of the facilities subject to these regulations as the proposed changes will allow for greater flexibility and regulatory clarity.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The Department anticipates no significant economic impact as a result of the proposed changes.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department anticipates no economic impact on political subdivisions as a result of the proposed changes.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department expects no adverse effect on small business as a result of the proposed changes.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: No fee changes are included in the proposed amendments.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The Department anticipates there will be minimal costs associated with the implementation and enforcement of these proposed amendments.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing the proposed rule.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Federal grants and fees will continue to be used as the sources of revenue to implement and enforce the proposed rule.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: The proposed revision should have little effect on net revenues for the Department and/or other agencies.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: Cooperation of political subdivisions will not be required to implement or enforce the proposed rule.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The Department is proposing the change, in part, to minimize the cost to the regulated community of complying with recent permitting rule changes.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: There are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule. The proposed change should allow for greater flexibility to the regulated community.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed revision will have minimal effect on public health, safety, and the environment.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: The proposed change is not designed to reduce significant risks to public health, safety, or the environment.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: If the proposed changes are not implemented, there will be no detrimental effect on the public health, safety, or the environment.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): There will be a positive benefit on business entities since the proposed changes will allow for greater regulatory flexibility regarding when certain construction activities may begin.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 15, 2021
MODIFIED ON:



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

MEMORANDUM

DATE: October 5, 2021

TO: Members of the Air Quality Advisory Council

FROM: Kendal Stegmann, Director *KS*
Air Quality Division

SUBJECT: Proposed Revisions in OAC 252:100-13

DEQ is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules to statutory changes enacted in the 2021 legislative session. Senate Bill 246 (2021) changed 27A Okla. Stat. (O.S.) § 2-5-130 to only require an air curtain incinerator (ACI) be used in counties or areas within a county that are or have been designated nonattainment or where an ambient air quality monitor has documented a violation of the National Ambient Air Quality Standards (NAAQS), or those counties with a population of greater than 500,000. The gist of this rulemaking is to implement the above-mentioned statutory changes. This will currently restrict the areas where an ACI is required for land clearing operations, or the burning of clean wood waste or yard brush to only Oklahoma and Tulsa Counties.

Notice of the proposed rule change was published in the *Oklahoma Register* on September 15, 2021. The notice requested written comments from the public and other interested parties. No comments have been received as of October 5, 2021. At the October meeting, staff will ask the Council to recommend the proposed rule change to the Environmental Quality Board for adoption as a permanent rule.

Enclosures: Proposed Amendments to OAC 252:100-13
Rule Impact Statement



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

SUBCHAPTER 13. OPEN BURNING

252:100-13-7. Allowed open burning

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in OAC 252:100-13-9 have been met:

(1) **Fire training.** Open burning of human-made structures for the purpose of municipal fire department training is allowed as provided for in the Oklahoma Clean Air Act, 27A O.S., Section 2-5-106.1. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos, and lead-containing materials. All asphalt, asbestos, and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law. Federal law requires a certified asbestos inspector, and notification of any activity that would breakup or dislodge asbestos, such as stripping or removal work, at least 10 working days prior to activity commencement, as specified in 40 CFR 61.145. Industrial and commercial facilities and fire training schools may conduct on-site live burn fire training.

(2) **Elimination of hazards.** Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:

(A) A fire hazard that cannot be abated by any other means.

(B) A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal, if authorization is also received from the DEQ prior to such burning.

(3) **Recreational and ceremonial fires.** Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.

(4) **Land management and land clearing operations.** Open burning is allowed for the following land management and land clearing operations:

(A) Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops, or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma Department of Agriculture, Food, and Forestry, and the United States Forest Service.

(B) Fires purposely set for land clearing operations if conducted at least 500 feet from any occupied residence other than those located on the property on which the burning is conducted and in accordance with OAC 252:100-13-8. ~~Such burning shall be conducted using an air curtain incinerator in counties or areas that are or have been designated nonattainment, or in MSAs with a population of greater than nine hundred thousand people according to the latest federal decennial census.~~

(5) **Burning of domestic refuse.** Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.

(6) **Hydrocarbon burning.** Open burning of hydrocarbons is allowed for:

(A) The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining, or processing operations which cannot be feasibly recovered or

otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.

(B) The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

(7) **Yard brush.** Yard brush may be burned on the property where the waste is generated or transported. If transported, yard brush must be burned in accordance with OAC 252:100-13-8 and OAC 252:100-13-8.1.

(8) **Certain medical marijuana plant refuse.** Commercial licensees, medical marijuana research facilities, and medical marijuana educational facilities, as those terms are defined in the Oklahoma Statutes at Section 428 of Title 63 titled, the Oklahoma Medical Marijuana Waste Management Act (Act), are allowed to open burn the parts of the marijuana plant grown to produce medical marijuana (as prescribed in Section 429 of Title 63 of the Act) that are exempted from the term "Medical marijuana waste" as defined in the Oklahoma Statutes at Section 428 of Title 63 of the Act.

(9) Wood waste, clean lumber, or a mixture of only wood waste and clean lumber may be burned in accordance with OAC 252:100-13-8 and 252:100-13-8.1.

252:100-13-8. Use of air curtain incinerators

(a) Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Chapter may be burned in an air curtain incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of ~~an~~the air curtain incinerator ~~located in an MSA with a population of greater than nine hundred thousand people or in counties or areas that are or have been designated nonattainment~~ shall not accept any material owned by other persons and shall not transport any material to the property where the air curtain incinerator is located in order to burn the material, ~~except as provided in~~ accordance with OAC 252:100-13-8(a)(1) OAC 252:100-13-8.1.

~~(1) The owner or operator of the air curtain incinerator located in an MSA with a population of greater than nine hundred thousand people or in counties or areas that are or have been designated nonattainment may accept and/or transport:~~

~~(A) 100 percent wood waste,~~

~~(B) 100 percent clean lumber, or~~

~~(C) 100 percent mixture of wood waste and clean lumber.~~

~~(2) In addition to the requirements in this subchapter, the owner or operator of the air curtain incinerator must comply with the requirements of OAC 252:100-17 and 40 CFR Part 60.~~

(b) For land clearing operations and disposal of clean wood waste and transported yard brush, an ACI is ~~not required except~~ in counties or areas within a county that:

(1) are or have been designated nonattainment for National Ambient Air Quality Standards (NAAQS) or where the Department-certified ambient air quality monitoring data documents a violation of primary NAAQS prior to such determination, or

(2) have a population of greater than five hundred thousand (500,000) people according to the latest Federal Decennial Census. ~~are or have been designated nonattainment or in an MSA with a population of greater than nine hundred thousand according to the latest federal decennial census.~~

(c) In addition to the requirements in this subchapter, the owner or operator of the air curtain incinerator must comply with the requirements of OAC 252:100-17 and 40 CFR Part 60.

252:100-13-8.1. Transported material

(a) Combustible material obtained from land clearing operations, yard brush, ~~and~~ clean wood waste, and clean lumber may be transported from where it is generated to another location in order to perform open burning. Material transported in order to perform open burning must meet the following conditions:

(1) The open burning shall not be conducted in counties or areas within a county that are or have been designated nonattainment or where the Department-certified ambient air quality monitoring data documents a violation of primary NAAQS prior to such determination, or ~~in~~ MSAs with a population of greater than ~~nine~~five hundred thousand, except in accordance with OAC 252:100-13-8(b).

(2) The material shall be burned within 90 days of being transported.

(3) The volume of material shall not exceed 10,000 cubic feet.

(b) Except in accordance with OAC 252:100-13-8~~(a)~~ or 252:100-13-8.1(a) above, no person shall accept any material owned by other persons nor transport combustible material from where it is generated to another location in order to perform open burning.

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

Before the Air Quality Advisory Council on October 20, 2021
Before the Environmental Quality Board on November 9, 2021

RULE IMPACT STATEMENT

Subchapter 13. Open Burning
252:100-13-7 [AMENDED]
252:100-13-8 [AMENDED]
252:100-13-8.1 [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules to statutory changes enacted in the 2021 legislative session. Senate Bill 246 (2021) changed 27A Okla. Stat. (O.S.) § 2-5-130 to only require an air curtain incinerator (ACI) be used in counties or areas within a county that are or have been designated nonattainment or where an ambient air quality monitor has documented a violation of the National Ambient Air Quality Standards (NAAQS), or those counties with a population of greater than 500,000. The gist of this rulemaking is to implement the above-mentioned statutory changes to restrict the areas where an ACI is required for land clearing operations, or the burning of clean wood waste or yard brush.

CLASSES OF PERSONS AFFECTED: The proposed rulemaking would primarily affect persons performing open burning of clean wood waste, yard brush, and certain materials from land clearing operations in the Oklahoma City or Tulsa Metropolitan Statistical Areas (MSAs).

CLASSES OF PERSONS WHO WILL BEAR COSTS: There are no costs associated with this rule proposal.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts from private or public entities.

CLASSES OF PERSONS BENEFITTED: The classes of persons benefitted are persons performing open burning of clean wood waste, yard brush, and certain materials from land clearing operations in the Oklahoma City or Tulsa MSAs.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The Department expects a positive economic impact for persons performing open burning in the Oklahoma City or Tulsa MSAs of clean wood waste, yard brush, or certain materials from land clearing operations.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department expects a positive economic impact on political subdivisions in the Oklahoma City or Tulsa MSAs that perform open burning.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department expects no adverse effect on small business from the rule proposal.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: There are no fee changes proposed in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The Department anticipates no increased cost to implement and enforce the proposed rule changes.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing this rule.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Federal grants and fees will continue to be used to implement and enforce this rule.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: The Department expects no net loss or gain in revenues from these amendments.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: No cooperation of political subdivisions is required. The Department will be responsible for all aspects of implementation and enforcement of this rule.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The rule proposal would minimize compliance costs by allowing persons who burn wood waste, yard brush, or certain materials from land clearing operations in the Oklahoma City or Tulsa MSAs to not incur the compliance costs associated with an ACI.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: The Department has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The Department has determined that the proposed rule changes will have a negligible impact on the public health, safety, and environment.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: This proposed rulemaking is not intended to reduce significant risks to public health, safety and environment.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

The proposed rulemaking would not have any detrimental effect on public health, safety or environment if it was not implemented.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): The Department anticipates positive impacts on business entities associated with the open burning of wood waste, yard brush, or certain materials from land clearing operations.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 15, 2021
MODIFIED ON:



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

MEMORANDUM

DATE: October 5, 2021

TO: Members of the Air Quality Advisory Council

FROM: Kendal Stegmann, Director *KS*
Air Quality Division

SUBJECT: Proposed Revisions in OAC 252:100-47

DEQ proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to implement the provisions of 40 C.F.R. Part 60, Subpart Cf, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills." Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rule changes affect municipal solid waste (MSW) landfills that commenced construction, modification, or reconstruction before July 17, 2014, and accepted waste after November 8, 1987, including closed landfills. Landfill gas collection and control systems (GCCS) will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters that have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. Currently, EPA is implementing the emission guidelines for existing MSW landfills with a Federal Plan under 40 C.F.R. Part 62, Subpart OOO.

Notice of the proposed rule change was published in the *Oklahoma Register* on September 15, 2021, and public comments were requested. No comments have been received as of October 5, 2021.

At the October 2021 meeting, staff will recommend to the Council that the proposed rule changes be postponed for future consideration to give the regulated community additional time to review the proposed changes and make comments.

Enclosures: Proposed Amendments to OAC 252:100-47
Rule Impact Statement



TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 47. CONTROL OF EMISSIONS FROM EXISTING MUNICIPAL
SOLID WASTE LANDFILLS

252:100-47-2. Reference to 40 CFR

When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference in OAC 252:100-2 and Appendix Q of Chapter 100, all citations contained therein are also incorporated by reference.

252:100-47-3. Definitions

(a) ~~The~~This Subchapter uses applicable definitions in 40 CFR 60.75460.41f, except as provided in (b) of this Sectionare hereby incorporated by reference as they exist on July 1, 2002.

(b) The following words and terms when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Existing municipal solid waste landfill"** or **"existing MSW landfill"** means a municipal solid waste landfill that commenced construction, modification, or reconstruction before ~~May 30, 1994~~July 17, 2014 and accepted waste after November 8, 1987.

(2) **"Legacy controlled landfill"** means any MSW landfill subject to this Subchapter that submitted a gas collection and control system (GCCS) design plan prior to May 21, 2021 in compliance with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, depending on which regulation was applicable to the landfill. This definition applies to those landfills that completed construction and began operations of the GCCS and those that are within the 30 month timeline for installation and start-up of a GCCS according to 40 CFR Part 60, Subpart WWW or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(~~2~~3) **"State Plan"** means a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cc or Cf of 40 CFR Part 60. Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, will be superseded by the State Plan implementing 40 CFR Part 60, Subpart Cf, upon EPA approval of said plan.

252:100-47-5. General provisions

(a) **Applicability.** Except as provided in subparagraphs (1) ~~and (2)~~through (3) of this ~~paragraph~~subsection, the provisions of this Subchapter are applicable to all existing MSW landfills in the State of Oklahoma. This Subchapter is also an applicable requirement for existing MSW landfill sites on the National Priorities List in Appendix B of 40 CFR Part 300.

(1) Physical or operational changes made to an existing MSW landfill solely to comply with this Subchapter are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of 40 CFR Part 60, ~~Subpart~~Subparts WWW (Standards of Performance for Municipal Solid Waste Landfills) or XXX (Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014).

(2) Remedial activities required by or conducted pursuant to state or federal law are not considered construction, reconstruction, or modification for the purposes of this Subchapter.

(3) If the landfill's design capacity increases as the result of a modification that was commenced after July 17, 2014, then the landfill becomes subject to 40 CFR Part 60, Subpart XXX. If the design capacity increase is the result of a change in operating practices, density,

or some other change that is not a modification, then the landfill remains subject to this Subchapter.

(b) **Exemptions.** The DEQ, with EPA approval, may provide for the application of less stringent emissions standards or longer compliance schedules than those otherwise required by this Subchapter, provided that at least one of the circumstances listed below are applicable to the MSW landfill:

- (1) Unreasonable cost of control resulting from facility age, location, or basic design; or
- (2) Physical impossibility of installing necessary control equipment; or
- (3) Other factors specific to the facility that make application of a less stringent standard or final compliance time significantly more reasonable.

252:100-47-6. Permits required and compliance schedules

(a) **Part 70 operating permits.**

- (1) The owner or operator of an existing MSW landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not required to obtain a Part 70 permit for the landfill, unless the landfill is otherwise a Part 70 source.
- (2) The owner or operator of an existing MSW landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, that is not otherwise a Part 70 source, is subject to OAC 252:100-8 as a Part 70 source ~~ninety (90) days after the effective date of the state plan, even if the initial design capacity report was submitted earlier.~~
- (3) When an existing MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain a Part 70 permit for the landfill if the landfill is not otherwise subject to the requirements of OAC 252:100-8 and if either of the following conditions is met:
 - (A) The landfill was never subject to the requirement for a control system under OAC 252:100-47-7.
 - (B) The owner or operator meets the conditions for control system removal specified in OAC 252:100-47-7.

(b) **Construction permits.** The owner or operator of any existing MSW landfill that installs a MSW landfill gas collection and control system is required to obtain a construction permit as provided by OAC 252:100-7-15 or OAC 252:100-8-4. ~~If the landfill has a design capacity of at least 2.5 million cubic meters and 2.5 million megagrams and an estimated nonmethane organic compounds (NMOC) emission rate of at least 50 megagrams per year, calculated in accordance with Section 9 of this Subchapter, the owner or operator of the MSW landfill shall also comply with the following requirements:~~

- ~~(1) The application for a construction permit and the collection and control system design plan shall be submitted to the DEQ within 12 months after the initial or any annual NMOC emissions rate report indicates that the emission rate equals or exceeds 50 megagrams per year, unless site specific sampling demonstrates that the emission rate is less than 50 megagrams per year.~~
- ~~(2) All contracts for installation of the emission control systems or for process modifications shall be awarded and all orders for the purchase of component parts to accomplish emission control or process modification shall be completed within 3 months of the submittal of the design plan under paragraph (b)(1) of this section.~~
- ~~(3) The installation of the collection and control system shall commence within 3 months of the awarding of contracts under paragraph (b)(2) of this section.~~
- ~~(4) The installation of the collection and control system shall be completed within 18 months of the submittal of the design plan under paragraph (b)(1) of this section.~~

~~(5) Within 30 months of the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, the MSW landfill shall be in compliance with paragraphs (b)(1) through (b)(4) of this section.~~

(c) Compliance Schedules and Increments of Progress. To achieve final compliance, planning, awarding of contracts, installing and starting up of MSW landfill air emission collection and control equipment capable of meeting the emissions standards under OAC 252:100-47-7 must be completed 30 months after the applicable start date in paragraphs (1) and (2) of this subsection according to the schedule in paragraph (3) of this subsection. MSW Landfills currently subject to 40 CFR Part 60, Subpart WWW, that are subject to these rules must continue to comply with the requirements of Subpart WWW until they become subject to the more stringent requirements of this rule.

(1) The date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year (50 megagrams per year for the closed landfill subcategory).

(2) The date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year (50 megagrams per year for the closed landfill subcategory), if Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater.

(3) Increments of progress to install air pollution control devices to meet emission standards in OAC 252:100-47-7:

(A) Submit to the DEQ an application for a construction permit and a collection and control system design plan in accordance with the requirements of 40 CFR 60.38f(d) within 12 months of the applicable start date.

(B) Award contract(s) to initiate on-site construction or installation of the collection and/or control equipment within 20 months of the applicable start date.

(C) Commence on-site construction or installation of the collection and/or control equipment within 24 months of the applicable start date.

(D) Complete on-site construction according to the approved collection and control system design plan and achieve final compliance within 30 months of the applicable start date. For a legacy controlled landfill, the initial or most recent performance test conducted to comply with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc, is sufficient for compliance with this subparagraph. The test report does not have to be resubmitted.

252:100-47-7. Emission standards

~~(a) Each owner or operator of an existing MSW landfill meeting the conditions set forth in 40 CFR 60.33f(a) paragraphs (1) through (4) shall comply with all the collection system and control system provisions specified in 40 CFR 60.752 Sections 60.33f(b) and 60.33f(c), which is hereby incorporated by reference as it exists on July 1, 2002.~~

(1) Legacy controlled landfills or landfills in the closed landfill subcategory must install and start up a gas collection and control system within 30 months after the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, submitted under previously applicable regulations 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(2) Legacy controlled landfills or landfills in the closed landfill subcategory that have already installed control systems and completed initial or subsequent performance tests may comply with this Subchapter using the initial or most recent performance test conducted to comply with 40 CFR Part 60, Subpart WWW, or Oklahoma's State Plan implementing 40 CFR Part 60, Subpart Cc.

(b) Each owner or operator of an existing MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters that does not install a collection or control system must calculate an NMOC emission rate for the landfill on an annual basis as provided in 40 CFR Section 60.33f(e).

(c) **Removal criteria.** The collection and control system may be capped, removed, or decommissioned if the criteria provided in 40 CFR Section 60.33f(f) are met.

252:100-47-8. Operational standards for collection and control systems

~~An~~Each owner or operator of an existing MSW landfill with a gas collection and control system shall comply with all provisions specified in 40 CFR 60.753Sections 60.34f(a) through (g) or the operational standards in 40 CFR Section 63.1958. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1958, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.34f, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-9. Test methods and procedures

~~An~~Each owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.754~~Sections 60.35f(a) through (e), which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-10. Compliance provisions

~~An~~Each owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.755~~Sections 60.36f(a) through (e) or the compliance provisions in 40 CFR Section 63.1960. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1960, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.36f, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-11. Monitoring of operations

~~An~~Each owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.756~~Sections 60.37f(a) through (h) or the monitoring provisions in 40 CFR Section 63.1961. Once the owner or operator begins to comply with the provisions in 40 CFR Section 63.1961, they must continue to operate the collection and control system according to those provisions and cannot return to the provisions of Section 60.37f, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-12. Reporting requirements

~~(a) The owner or operator of an existing MSW landfill shall submit an initial design capacity report to the DEQ within 90 days of the effective date of the State Plan.~~

~~(b) The owner or operator of an existing MSW landfill having a design capacity equal to or greater than 2.5 million cubic meters and 2.5 million megagrams, shall submit an initial NMOC emission rate report to the DEQ within 90 days of the effective date of the State Plan. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and (b)(3).~~

~~(c) The owner or operator of an existing MSW shall comply with the provisions specified in 40 CFR 60.757, except 60.757(a)(1) and (b)(1)(i), which is hereby incorporated by referenced as it appears on July 1, 2002.~~

(a) Each owner or operator of an existing MSW landfill shall comply with all reporting provisions specified in 40 CFR Sections 60.38f(a) through (n), except 60.38f(d)(2).

(b) When an MSW landfill subject to this Subchapter is in the closed landfill subcategory, the owner or operator is not subject to the following reports of this Subchapter, provided the owner or operator submitted these reports under the provisions of 40 CFR Part 60, Subpart WWW, or under this Subchapter on or before July 17, 2014:

(1) Initial design capacity report specified in 40 CFR Section 60.38f(a).

(2) Initial or subsequent NMOC emission rate report specified in 40 CFR Section 60.38f(c), provided that the most recent NMOC emission rate report indicated the NMOC emissions were below 50 megagrams per year.

(3) Collection and control system design plan specified in 40 CFR Section 60.38f(d).

(4) Closure report specified in 40 CFR Section 60.38f(f).

(5) Equipment removal report specified in 40 CFR Section 60.38f(g).

(6) Initial annual report specified in 40 CFR Section 60.38f(h).

(7) Initial performance test report in 40 CFR Section 60.38(i).

(c) When an MSW landfill subject to this Subchapter is in the legacy controlled landfill subcategory, the owner or operator is not subject to the following reports of this Subchapter, provided the owner or operator submitted these reports under the provisions of 40 CFR Part 60, Subpart WWW, or under this Subchapter on or before June 21, 2021:

(1) Initial design capacity report specified in 40 CFR Section 60.38f(a).

(2) Initial or subsequent NMOC emission rate report specified in 40 CFR Section 60.38f(c).

(3) Collection and control system design plan specified in 40 CFR Section 60.38f(d).

(4) Initial annual report specified in 40 CFR Section 60.38f(h).

(5) Initial performance test report in 40 CFR Section 60.38(i).

252:100-47-13. Recordkeeping requirements

~~An~~Each owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.758~~Sections 60.39f(a) through (j), ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

252:100-47-14. Specifications for active collection systems

~~An~~Each owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR ~~60.759~~Sections 60.40f(a) through (c), ~~which is hereby incorporated by reference as it exists on July 1, 2002.~~

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

Before the Air Quality Advisory Council on October 20, 2021
Before the Environmental Quality Board on November 9, 2021

RULE IMPACT STATEMENT

Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills

252:100-47-2 [AMENDED]

252:100-47-3 [AMENDED]

252:100-47-5 [AMENDED]

252:100-47-6 [AMENDED]

252:100-47-7 [AMENDED]

252:100-47-8 [AMENDED]

252:100-47-9 [AMENDED]

252:100-47-10 [AMENDED]

252:100-47-11 [AMENDED]

252:100-47-12 [AMENDED]

252:100-47-13 [AMENDED]

252:100-47-14 [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to implement the provisions of 40 C.F.R. Part 60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.” Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma’s revised State 111(d) Plan. The proposed rule changes affect municipal solid waste (MSW) landfills that commenced construction, modification, or reconstruction before July 17, 2014, and accepted waste after November 8, 1987, including closed landfills. Landfill gas collection and control systems (GCCS) will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters that have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. Currently, EPA is implementing the emission guidelines for existing MSW landfills with a Federal Plan under 40 C.F.R. Part 62, Subpart OOO.

CLASSES OF PERSONS AFFECTED: The owners and operators of Oklahoma MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014, will be affected.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The costs will be borne by the owners and operators of existing Oklahoma MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts from private or public entities related to this rulemaking as of this date.

CLASSES OF PERSONS BENEFITTED: The citizens of Oklahoma will benefit from the reduction in emissions whether the requirements are implemented by the state or by EPA. By ensuring that the updated state rule is consistent with federal guidelines, the Department will be able to implement and enforce the requirements rather than EPA, which will benefit owners and operators of MSW landfills.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The owners and operators of landfills subject to this rulemaking are expected to experience the same costs associated with compliance as they currently are experiencing when complying with the Federal Plan.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: Landfills may be operated by private or public entities. In Oklahoma, out of the 17 landfills covered by the Federal Plan that have design capacities in excess of 2.5 million megagrams, six are operated by public entities. Two of these publicly-owned facilities are already equipped with active landfill GCCS. Two additional publicly-owned facilities have design capacities below 2.5 million cubic megagrams. This rulemaking may require additional Oklahoma MSW landfills to install a GCCS.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The landfills affected by this proposed rule are not expected to be operated by small businesses as defined by Oklahoma Statutes and therefore there are no potential direct adverse effects on small businesses. The indirect cost impacts to small businesses are expected to be an incremental increase in landfill disposal costs to all landfill customers, including small businesses, due to the landfill's costs of compliance with the federal requirements. However, in the federal rulemaking associated with EPA's emission guidelines publication, EPA concluded that increases in tipping fees are likely to be minimal.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The Department is not proposing any fee changes in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: Additional costs to the Department to enforce or implement the proposed rule changes are anticipated to be minimal. The Department will benefit from the proposal because it will allow state implementation and enforcement of these requirements.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing these regulations.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Federal grants and fees will continue to be used as the sources of revenue to implement and enforce the rule.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: The Department does not anticipate any net losses or gains associated with the proposed rule. There may be a slight decrease in inventory fees due to additional landfills installing landfill GCCS with commensurate reductions in emissions. However, those reductions, and the impact on inventory fees are not expected to represent a significant decrease when compared with current operations.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: None. Affected municipalities, counties, and public trusts will be required to comply with this rulemaking. The Department will implement, enforce, and administer these proposed rule changes.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The proposed rule changes are in conformity with the emission guidelines mandated by EPA, which represent the minimum requirements necessary to protect the environment and the public's health and safety, according to the current federal policy. Therefore, all compliance costs associated with the proposed rule changes also represent the minimum costs necessary to protect the environment and the public's health and safety.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: There are none. EPA, acting under the authority of Section 111(d) of the federal Clean Air Act, promulgated the emission guidelines for MSW landfills, which required states to adopt the requirements into state rules and implement them through State Plans. Therefore, adoption of these proposed rule changes into Oklahoma's State 111(d) Plan is necessary in order to give Oklahoma the authority to enforce these federally mandated requirements. EPA will continue implementing its Federal Plan until Oklahoma updates its state rules and revises its State Plan.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed rule changes will have a positive effect on public health, safety, and the environment, by requiring more landfills to install a landfill GCCS. The GCCS will reduce methane emissions and NMOC emissions, which contain Hazardous Air Pollutants (HAPs) and Volatile Organic Compounds (VOCs).

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: Landfill gas is a collection of air pollutants, including methane, a greenhouse gas, and NMOCs. Methane is harmful to the environment because its greenhouse gas potential is 28-36 times greater than that of carbon dioxide (CO₂) and it can remain in the atmosphere for up to 12 years. The NMOC portion of landfill gas can contain HAPs and VOCs. HAPs include a number of compounds that can cause cancer. VOC emissions are precursors to both fine particulate matter (PM_{2.5}) and ozone, two pollutants that have significant health effects and are regulated by National Ambient Air Quality Standards. EPA estimated that nationally, 93 additional landfills will be required to install landfill GCCS resulting in reductions of 1,810

megagrams (1,995 tons) of NMOC and 0.29 million megagrams (0.32 million tons) of methane by 2025. Oklahoma should expect proportionate emission reductions in the state.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

Adoption of these proposed rule changes into Oklahoma's State 111(d) Plan is necessary to give Oklahoma the legal authority to enforce these federally mandated requirements. If the rule is not revised, EPA will continue to implement its Federal Plan for Oklahoma.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):

The Federal Plan lists 31 existing MSW landfills in Oklahoma that are not under tribal/EPA jurisdiction. It is possible additional facilities will be subject to this rule. EPA estimates at least 17 of the 31 landfills exceed a design capacity of 2.5 million megagrams. Seven of these landfills are already equipped with a GCCS, including one landfill that has identified NMOC emissions within the 34-50 megagrams per year range. Another landfill has NMOC emissions just under 34 megagrams per year and may be impacted by the proposed rule in the future. These 17 landfills, whether active or closed, are already required to obtain Part 70 air quality permits under the current version of this rule. For the many facilities that are still below 2.5 million megagrams or 2.5 million cubic meters in design capacity, there is no further requirement besides the design capacity report. Regulatory compliance costs may include: capital costs; operation and maintenance costs; and costs for sampling, monitoring, inspection, recordkeeping, and reporting. EPA estimated the costs to affected landfills in the federal rulemaking. Since the Federal Plan is in place and this proposed rule only implements the federal requirements, no additional state compliance costs are expected. Landfills which install a collection and control system may be required to increase or modify their financial assurance as provided in OAC 252:515-27. Construction permit fees will be required for those facilities that must install a GCCS.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 15, 2021
MODIFIED ON: