

**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 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 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]

SUMMARY:

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 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 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 December 15, 2021, through January 14, 2022. Oral comments may be made at the January 19, 2022 Air Quality Advisory Council meeting (or on the alternate date of January 26, 2022 in the event of inclement weather) and at the February 18, 2022 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 19, 2022, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102. In case of inclement weather, an alternate date is scheduled for Wednesday, January 26, 2022, at the same location. In the event the alternate date is needed, the comment period will extend through that date.

If due to inclement weather the public hearing scheduled for January 19, 2022 is cancelled, notice announcing the hearing cancellation will be posted on the DEQ web site (<https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>) at least 24 hours prior to the scheduled time for the hearing. Interested parties may call (405) 702-4100 to find out if the hearing has been cancelled.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 18, 2022, at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

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.