

MINUTES
AIR QUALITY ADVISORY COUNCIL
January 19, 2022
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at October 5, 2022 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on January 19, 2022. Notice of the meeting was forwarded to the Office of Secretary of State on November 3, 2021. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Cheryl Bradley 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
Steve Landers
Laura Lodes

DEQ STAFF PRESENT

Kendal Stegmann
Cheryl Bradley
Madison Miller
Phillip Fielder
Malcolm Zachariah
Travis Couch

MEMBERS ABSENT

Gary Collins
Garry Keele II
John Privat
Jeffrey Taylor

Tom Richardson
Michelle Wynn
Quiana Fields

OTHERS PRESENT

Debra Garver, Court Reporter

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the October 20, 2021 Regular Meeting. Mr. Caves moved to approve and Mr. Elliott made the second.

See transcript pages 3 - 4

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliot	Yes		

Election of Officers – Mr. Landers nominated Ms. Lodes to remain as Chair and Mr. Keele to remain as Vice-Chair. Dr. Delano made the second.

See transcript pages 4 - 5

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

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

Ms. Madison Miller, Supervising Attorney of the Legal Division, stated 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 is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS. Hearing questions by the Council and by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Mr. Landers made the second.

See transcript pages 7 - 20

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control

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

Mr. Malcolm Zachariah, EPS, Rules & Planning Section of the AQD, stated 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. Following questions by the Council and by the public, Ms. Lodes called for a motion, Mr. Caves moved to approve and Mr. Landers made the second.

See transcript pages 20 - 45

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Ms. Bradley announced the conclusion of the hearing portion of the meeting.

See transcript page 45

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. Caves made the second. The next scheduled regular meeting is on Wednesday, May 4, 2022 in Oklahoma City, Oklahoma.

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY ADVISORY COUNCIL
PUBLIC MEETING

JANUARY 19, 2022, at 9:00 A.M.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
707 North Robinson
1st Floor, Multi-Purpose Room
Oklahoma City, Oklahoma

* * * * *

REPORTED BY DEBRA GARVER, CSR, RPR

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A P P E A R A N C E S

1 Council Members:

2 Matt Caves

3 Gary Collins, absent

4 Robert Delano

5 Gregory Elliott

6 Garry Keele II, Vice Chair, absent

7 Stephen Landers

8 John Privrat, absent

9 Jeffrey Taylor, absent

10 Laura Lodes, Chair

11

12

13 Presenters:

14 Cheryl Bradley, Environmental Programs Manager

15 Madison Miller, Supervising Attorney, Legal

16 Malcolm Zachariah, EPS, Rules & Planning Section

17

18 Also Present:

19 Quiana Fields, DEQ Administration

20 Kendal Stegmann, Division Director

21 Jeremy Jewell, Trinity Consultants

22 Phillip Fielder, Chief Engineer, Air Quality

23 Pete Schultze, Waste Management

24

25

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1 minutes?

2 MR. CAVES: I make a motion to approve.

3 MR. ELLIOTT: I'll second.

4 CHAIR LODES: I have a motion and a second.

5 Quiana, please call roll.

6 MS. FIELDS: Mr. Caves.

7 MR. CAVES: Yes.

8 MS. FIELDS: Dr. Delano.

9 DR. DELANO: Yes.

10 MS. FIELDS: Mr. Elliott.

11 MR. ELLIOTT: Yes.

12 MS. FIELDS: Mr. Landers.

13 MR. LANDERS: Yes.

14 MS. FIELDS: Ms. Lodes.

15 CHAIR LODES: Yes.

16 MS. FIELDS: Motion passed.

17 CHAIR LODES: Then the next item on today's

18 agenda is the election of officers.

19 Gentlemen, what are we going to do for officers for

20 this year?

21 MR. LANDERS: I'll recommend we keep them the

22 same as they are. Can we recommend Garry if he's not

23 here? Is that okay?

24 CHAIR LODES: That is, yes, we can do that and

25 tell Garry later.

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P R O C E E D I N G S

1 CHAIR LODES: All right. We will call today's

2 meeting of the Air Quality Advisory Council to order.

3 Quiana, will you please call roll.

4 MS. FIELDS: Mr. Caves.

5 MR. CAVES: Here.

6 MS. FIELDS: Mr. Collins is absent.

7 Dr. Delano.

8 DR. DELANO: Present.

9 MS. FIELDS: Mr. Elliott.

10 MR. ELLIOTT: Here.

11 MS. FIELDS: Mr. Keel is absent.

12 Mr. Landers.

13 MR. LANDERS: Here.

14 MS. FIELDS: Mr. Privrat is absent. Mr. Taylor

15 is absent.

16 Ms. Lodes.

17 CHAIR LODES: Here.

18 MS. FIELDS: We have a quorum.

19 CHAIR LODES: By the skin of our teeth.

20 The first item on today's agenda is the approval of

21 the minutes from the October 20, 2021, regular meeting.

22 Do we have any comments or questions on the minutes

23 of the last meeting?

24 Hearing none, do I have a motion to approve the

25

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1 MR. LANDERS: That'd be fine. Those are my

2 thoughts.

3 Yeah, I'll make a motion that we retain the current

4 officers as they are.

5 DR. DELANO: I will second that.

6 CHAIR LODES: Is that sufficient or did they

7 have to state names?

8 MS. CHERYL BRADLEY: I think it's sufficient.

9 CHAIR LODES: Okay. Thank you.

10 Quiana, please call roll.

11 MS. FIELDS: Mr. Caves.

12 MR. CAVES: Yes.

13 MS. FIELDS: Dr. Delano.

14 DR. DELANO: Yes.

15 MS. FIELDS: Mr. Elliott.

16 MR. ELLIOTT: Yes.

17 MS. FIELDS: Mr. Landers.

18 MR. LANDERS: Yes.

19 MS. FIELDS: Ms. Lodes.

20 CHAIR LODES: Yes.

21 MS. FIELDS: Motion passed.

22 CHAIR LODES: Thank you. I appreciate it.

23 We'll now enter the public rulemaking portion, and

24 we are absent a Beverly. So, Cheryl, let her roll.

25 MS. CHERYL BRADLEY: Okay. Good morning.

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1 I'm Cheryl Bradley, Environmental Programs Manager
2 of the Air Quality Division. As such, I will serve as
3 protocol officer for today's proceedings.
4 The hearings will be convened by the Air Quality
5 Advisory Council in compliance with the Oklahoma
6 Administrative Procedures Act and Title 40 of the Code
7 of Federal Regulations, Part 51 as well as the authority
8 of Title 27-A of the Oklahoma statutes Section 2-2-201,
9 and Sections 2-5-101 through 2-5-117.
10 Notice of today's hearings was advertised in the
11 "Oklahoma Register" for the purpose of receiving
12 comments pertaining to the proposed OAC Title 252
13 Chapter 100 rules as listed on the agenda and will be
14 entered into each record along with the "Oklahoma
15 Register" filing.
16 Notice of meeting was filed with the Secretary of
17 State on November 3rd, 2021. The agenda was duly posted
18 24 hours prior to the meeting at the DEQ building.
19 If you wish to make a statement, it is very
20 important that you complete the form at the registration
21 table. And you will be called upon at the appropriate
22 time.
23 Audience members, please come to the podium for
24 your comments and please state your name clearly for the
25 record.

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1 On January 13th, 2021, DEQ received a letter of
2 comment from Mid-America Industrial Park regarding the
3 most recent permit SIP rule changes approved by the Air
4 Quality Council and Environmental Quality Board, which
5 were promulgated into the OAC on September 15th of this
6 year.
7 That permit SIP package required Tier I air quality
8 permits to undergo public notice and comment where they
9 were not previously required to do so by the OAC rules.
10 In its comments, the Industrial Park requested that
11 DEQ formalize or provide guidance on the construction
12 permit activities policy previously described,
13 specifically regarding the commencement of minor NSR
14 construction activities prior to the issuance of a minor
15 NSR construction permit.
16 Upon review of the air quality rules, DEQ
17 determined it is warranted to update the rules to
18 reflect this permitting policy more clearly. Before the
19 most recent changes to DEQ rules regarding public notice
20 and comment on air quality permits were in effect, prior
21 to December 15th, 2021, Tier I minor NSR construction
22 activities under Subchapter 7 and Tier II minor NSR
23 construction activities under Subchapter 8 could
24 commence upon submittal of the administratively complete
25 minor NSR construction permit pursuant to DEQ policy.

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1 At this time, we will proceed with what's marked as
2 Agenda Item 5A on the hearing agenda: Chapter 100, Air
3 Pollution Control; Subchapter 1, General Provisions;
4 Subchapter 7, permits for minor facilities; Subchapter
5 8, permits for Part 70 Sources and Major New Source
6 Review (NSR) sources.
7 Madison Miller will make the staff presentation.
8 MS. MADISON MILLER: Good morning, Madame Chair
9 and members of the council. I'm Madison Miller,
10 Supervising Attorney of the Air Quality Division
11 presenting the Department's proposed changes to OAC
12 252:100 Subchapters 1, 7, and 8.
13 My presentation was made at the last council
14 meeting in October 2021, with the exception of the
15 slides dealing with 252:100-8-4, which have been changed
16 to account for revisions in the rule proposal that were
17 made pursuant to council recommendation at the
18 October 2021 meeting.
19 Historically, DEQ has allowed on a case-by-case
20 basis facilities to commence and conduct certain minor
21 NSR construction activities prior to the issuance of a
22 permit but after the administratively complete
23 application has been submitted.
24 The purpose of today's rulemaking is to clarify
25 this policy in the air quality rules.

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1 This historic practice is consistent with the rule
2 changes recommended today. However, this policy did not
3 apply to construction activities that were considered
4 minor mods to Title V permits under Subchapter 8 because
5 the rules prior to September 15, 2021, did not require a
6 minor NSR construction permit and specifically allowed
7 construction activities to begin upon submittal of an
8 administratively complete permit application.
9 After September 15, 2021, such activities are
10 considered Tier I minor NSR construction activities
11 under Subchapter 8 and must undergo a 30-day public
12 review before construction activities may begin.
13 Recognizing this, the proposed rule would allow
14 construction activities for these permit actions to
15 begin upon submittal of the administratively complete
16 minor NSR construction permit.
17 Specifically, DEQ has recommended changes to
18 Subchapters 1, 7, and 8. This is a complete list of the
19 sections we have open and are proposing changes to on
20 the screen.
21 In Subchapter 1, we have recommended adding a
22 definition of "minor NSR" as that term is not defined in
23 the rules.
24 In Subchapter 7, we have recommended adding a
25 definition providing what is an "administratively

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1 complete permit" as that term is not defined in
2 Subchapter 7 and comes into play in the exception that I
3 am about to discuss.

4 This definition, for the most part, mirrors the
5 existing Subchapter 8 definition with the exception of
6 subparagraph D, which requires "valid certification" of
7 the permit application.

8 Valid certification would refer to the requirements
9 set forth in the permitting forms rather than
10 proscribing a specific standard for what is valid. This
11 approach is intended to provide flexibility for
12 industry.

13 Next, we have added a category of exceptions to
14 when a construction permit is required under Subchapter
15 7. This exception states that an applicant may, after
16 submission of an administratively complete minor NSR
17 permit, begin instruction on any new, modified, or
18 reconstructed source, but it may not make the unit
19 operational such that it has the ability to emit any
20 regulated air pollutant.

21 The exception further clarifies that the applicant
22 conducts any such construction activities at its own
23 risk prior to the issuance of a construction permit by
24 DEQ.

25 Essentially, this provision in the rules in no way

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1 any BACT activities would not be approved if costs were
2 incurred prior to the permit issuance.

3 Rather, the intent of this language is to prevent
4 the consideration of money spent on an unapproved BACT,
5 or B-A-C-T.

6 Thus, DEQ has proposed that "if a minor NSR project
7 necessitates determination of BACT and the BACT
8 recommendation in the permit application is not approved
9 in whole or in part by DEQ, the subsequent resolution of
10 the appropriate selection of BACT shall be based upon
11 the facility's pre-application physical configuration."

12 This language clarifies the determination is Based
13 on what the facility was before the application was
14 submitted and not what the facility was after unapproved
15 BACT construction was undertaken.

16 Importantly, this preconstruction activity policy
17 and proposed rules do not apply to PSD at all, nor do
18 they apply to non-attainment NSR, which, fortunately, is
19 not relevant today in Oklahoma since we are currently in
20 attainment for all the NAAQs.

21 Switching gears, I want to go back into
22 252:100-7-15. You'll see a change in
23 Section 100-7-15(a)(2)(B)(i) that is unrelated to the
24 construction permit policy.

25 This rule change proposal is rule cleanup intended

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1 provides a permit shield and is not de facto approval by
2 DEQ of any construction activities for which the
3 facility has applied.

4 We have specifically stated that DEQ retains the
5 authority to deny a permit regardless of how much money
6 has been invested in a project.

7 In 100-7-15(a), we have provided a caveat to when a
8 construction permit is required by referencing the
9 exception in 100-7-2(b)(5).

10 Finally, in Subchapter 8, we have mirrored those
11 changes in Subchapter 7 by adding the same exception and
12 caveats to 100-8-4(1)(A) and (B) as seen on the slide.

13 So 8-4(1)(A) and (B) are up to date on this slide,
14 but (D) contains old language that was presented at the
15 last council meeting and which DEQ has revised.

16 On this slide, you see the up-to-date version of
17 100-8-4(1)(D). The language in red highlights the new
18 language DEQ is proposing to account for the council's
19 concern with the verbiage presented at last council
20 meeting.

21 The council was concerned that the previously
22 proposed language precluded the consideration of any
23 costs of BACT that were incurred prior to permit
24 issuance, i.e., that certain construction activities
25 could get underway prior to issuance of a permit, but

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1 to align OAC rule language with terminology set forth in
2 the federal rules. This rule change was originally
3 presented at the June 2021 council meeting by Melanie
4 Foster and was proposed by me at the October 2021
5 council meeting.

6 DEQ staff recommends that the council recommend
7 these proposed rules changes to the Environmental
8 Quality Board.

9 That concludes my presentation and I now welcome
10 any questions or comments.

11 MR. ELLIOTT: That change was good, right on in
12 what we were talking about there in the last meeting.
13 That is very good wording.

14 MS. MADISON MILLER: Okay. Great. Thank you.

15 MR. ELLIOTT: But I do have a different
16 question on that, just maybe for clarification.

17 In Subchapter 8(A), the (D), it says after
18 submission of administratively complete minor NSR
19 construction permit, dot, dot, dot, an applicant may
20 begin construction but cannot make it operational such
21 that it has the ability to emit any regulated pollutant.

22 So I know that some of the practices in the
23 refining industry is -- you know, some of the changes
24 that you're going to make require a complete shutdown of
25 parts or all of the process.

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1 And so a lot of times what companies do is they'll
2 do what's called a hot tap and they'll put a valve in,
3 you know, a piece of pipe and blind it off and wait for
4 a later part of the construction when they, you know, do
5 that so they don't have to take the unit back down and
6 everything.
7 Would that be considered a violation of this?
8 Since if you put a valve and you've tapped it in, even
9 though it has a blind on it, it's still technically has
10 an AP 42 factor for a leak rate. So I was just curious
11 if that's the intent of this order. I mean, starting up
12 an incinerator and running it.
13 MR. PHILLIP FIELDER: Phillip Fielder, chief
14 engineer of Air Quality. Yeah, a lot of these are going
15 to be case by case. Obviously, I think we all know
16 that. Sometimes it's just going to be a call.
17 The intent is that the unit does not have the
18 potential to emit. And I don't know if I can give an
19 exact answer on that one, but that's obviously an
20 extreme example of what we're looking at.
21 If there is some other thing that makes it clear
22 that that unit or that project cannot operate and create
23 potential to emit, it might be clear. There might be
24 something else that you could do as part of that project
25 to assure.

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1 but I understand what you're saying.
2 MR. ELLIOTT: That matches me.
3 CHAIR LODES: And I agree, you can't emit
4 anything. But at the same time -- I'm trying to
5 remember where it is. Okay. So several years ago we
6 changed to clarify when we had to file for an operating
7 permit, and we said it's when the first piece of
8 equipment becomes operational for its intended use.
9 And so we kind of excluded some of the initial,
10 like, hookup or whatever. And I was trying to see if I
11 could flip through and find out.
12 That's in subchapter 8, isn't it?
13 MR. PHILLIP FIELDER: So what we added in
14 Subchapter 8 was exactly that. As soon as any of the
15 equipment commenced operations --
16 CHAIR LODES: -- for the purpose of which it
17 was intended.
18 MR. PHILLIP FIELDER: -- intended to produce
19 and those types of things. And there's always been the
20 site exclusion that I don't think any regulation --
21 again, we have a bunch of these scenarios --
22 CHAIR LODES: Right.
23 MR. PHILLIP FIELDER: -- where, you know, you
24 got the break-in of a piece of equipment and there's EPA
25 guidance -- not in their rules either, much less ours --

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1 MR. ELLIOTT: But a valve is a valve, and it
2 has emissions factors, but. So, okay.
3 MR. PHILLIP FIELDER: Yeah, yeah, I hear what
4 you're saying.
5 MR. ELLIOTT: That matches with my direction
6 I've given on this, so I'm just seeing if that's kind of
7 where we're at. So it sounds like we are.
8 MR. LANDERS: Would there be any difference in
9 installing a valve not related to a project that you're
10 trying to permit, I'm just calling it a valve and
11 running a line somewhere --
12 MR. ELLIOTT: You could do that all day long,
13 but as part of a project, it now requires a construction
14 permit. That valve has leak potential and you don't
15 have your permit, that's technically emitting VOCs --
16 MR. PHILLIP FIELDER: Right, yeah.
17 MR. ELLIOTT: -- even though it's a minute tiny
18 bit. It's still tied up with the permit that you're
19 waiting on; whereas, if you're just doing a maintenance
20 activity and, you know, putting a line in, it doesn't
21 trigger any permit.
22 MR. LANDERS: I don't pretend to even speak for
23 the DEQ, but it just seems to me if it -- it's intended
24 that you can't go start up that source before the
25 application which you've submitted to start emitting,

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1 where a piece of equipment being taken down is continued
2 to operate while a new piece of equipment is actually
3 started, and it's not considered to have commenced
4 operation because it's in break-in mode. So, again,
5 EPA's done that through policy.
6 CHAIR LODES: I just wondered if that wasn't
7 something that would be -- because that would be a thing
8 where you would have maybe the valves hooked up, but it
9 hasn't started.
10 In theory, we have a valve, which is a leak, but we
11 haven't considered that start of operation --
12 MR. ELLIOTT: Because the rest of the line is
13 not there.
14 CHAIR LODES: Exactly. So is that where we're
15 talking about here?
16 MR. PHILLIP FIELDER: You do have a bit of a
17 fuzzy area there between when we use the term has not
18 created the potential to emit versus commenced operation
19 under --
20 CHAIR LODES: Right. I was trying to remember
21 where that is.
22 MR. ELLIOTT: I don't know how pertinent, this
23 it kind of tied with the construction.
24 CHAIR LODES: Correct.
25 MR. PHILLIP FIELDER: Okay. Yeah.

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1 MR. ELLIOTT: Okay. I'm good.
2 MS. CHERYL BRADLEY: Any other questions from
3 the council?
4 Seeing none, then we can move on to the questions,
5 comments, and discussion by the public.
6 And I have a notice of request for oral comment
7 from Jeremy Jewell.
8 MR. JEREMY JEWELL: Jeremy Jewell here on
9 behalf of the Environmental Federation of Oklahoma, just
10 wanting to express our support for these changes as
11 proposed. That's all.
12 MS. CHERYL BRADLEY: Thank you.
13 Any other comments from the public?
14 Okay. Seeing none, let's move on to the discussion
15 and possible action by the council.
16 CHAIR LODES: Any further questions from the
17 council?
18 MR. CAVES: Yeah, I have a question, Chairman
19 Lodes. You were talking about the operational. The
20 language as presented making any new, modified, or
21 reconstructed unit operational such that it has the
22 ability to emit, is that the condition kind of along
23 with what you're stating?
24 CHAIR LODES: Yeah, that's what I was talking
25 about. So the definition -- it used to be people would

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1 MS. FIELDS: Mr. Caves.
2 MR. CAVES: Yes.
3 MS. FIELDS: Dr. Delano.
4 DR. DELANO: Yes.
5 MS. FIELDS: Mr. Elliott.
6 MR. ELLIOTT: Yes.
7 MS. FIELDS: Mr. Landers.
8 MR. LANDERS: Yes.
9 MS. FIELDS: Ms. Lodes.
10 CHAIR LODES: Yes.
11 MS. FIELDS: Motion passed.
12 MS. CHERYL BRADLEY: We'll move on to hearing
13 5(B).
14 Malcolm Zachariah will present for the staff
15 Chapter 100, Air Pollution Control; Subchapter 47,
16 Control of Emissions of Existing Municipal Solid Waste
17 landfills.
18 Malcolm.
19 MR. ZACHARIAH: Thank you. Madame Chair,
20 members of the council, ladies and gentlemen, my name is
21 it Malcolm Zachariah, Environmental Programs Specialist
22 with the Air Quality Rules and Planning Section.
23 As I presented at the October 2021 council meeting,
24 DEQ has prepared revisions to Chapter 100, Subchapter
25 47, Control of Emissions from Existing Municipal Solid

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1 wait to file an operating permit at a Title V source
2 until all the equipment became operational. So you
3 might end up having an operating permit not get filed
4 for, like, three or four hundred days, basically, as
5 they phased in equipment.
6 It was really common in late-stage construction in
7 some of these big refineries. So we changed that
8 several years ago, probably even longer than I realize,
9 to define it as the first piece of equipment for which
10 the operation of the project was intended.
11 And that's what I was trying to flip through and
12 find it. And that's why we started that clause. And so
13 that's why I was asking, does that definition -- because
14 we kind of clarified that a bit -- if that fell into
15 this at all. But I don't know that it does, and I
16 haven't flipped and found it fast enough.
17 Any other questions or discussion by the council?
18 Staff has recommended that we approve the rule
19 package as presented today.
20 Do I have a motion?
21 MR. ELLIOTT: I make a motion that we approve
22 the rules as presented today.
23 MR. LANDERS: I'll second.
24 CHAIR LODES: I have a motion and second.
25 Quiana, will you please call roll.

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1 Waste Landfills to incorporate federal guidelines into
2 state rules.
3 Last summer, EPA finalized its federal plan for
4 implementing 2016 landfill gas regulations on existing
5 Oklahoma municipal solid waste landfills. DEQ is now
6 resuming our state rulemaking so that we can revise our
7 state plan and replace the federal plan.
8 We have worked with our Land Protection Division
9 counterparts throughout this process. And I also
10 presented a preview of this work at the September 2021
11 Solid Waste Management Advisory Council meeting. We are
12 in contact with the staff at EPA Region 6 who are
13 currently managing the federal plan.
14 Here is a condensed background of what has
15 happened. In 2016, EPA published new landfill gas rules
16 that overlap older rules which DEQ has already
17 incorporated. These rules lowered the emission
18 threshold that would require installation of a gas
19 collection and control system, GCCS, for landfills with
20 design capacities over 2.5 million megagrams and 2.5
21 million cubic meters whose nonmethane organic compound,
22 NMOC, emissions exceed 50 megagrams per year.
23 DEQ has already incorporated the New Source
24 Performance Standards in 40 CFR Part 60, Subpart XXX
25 because they immediately went into effect. NSPS XXX

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1 applies to landfills that are new or modified after
2 July 2014. The Emission Guidelines Subpart Cf applies
3 to existing landfills which have not modified after
4 2014.

5 Emission guidelines are not directly applicable to
6 landfills; states must incorporate the requirement into
7 their state rules and then submit a plan to EPA. If
8 states do not submit a plan, EPA will issue a federal
9 plan instead.

10 Due to litigation, comments DEQ received, and
11 federal delays in implementation of these rules, DEQ
12 paused its rulemaking. Finally, in 2021, EPA finalized
13 its federal plan and DEQ restarted its rulemaking.

14 In large part, the rule requirements are much the
15 same as before, and the distinction between NSPS and EG
16 is very minor. Landfills above the 2.5 million megagram
17 and cubic meter design capacity were already required to
18 get a Title V air permit under the old rules.

19 The landfills were already required to test or
20 estimate NMOC emissions, now with an additional option
21 of surface monitoring. And the landfills were already
22 required to install a GCCS when NMOC emissions reached a
23 specific threshold. The biggest change is lowering of
24 the threshold.

25 Our proposal is nearly identical to what was

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1 Environmental Quality Board for adoption as a permanent
2 rule. Thank you.

3 MS. CHERYL BRADLEY: Questions and discussion
4 by the council?

5 MR. LANDERS: Just out of curiosity, do you
6 expect this to significantly impact a municipal or
7 municipals out there?

8 MR. ZACHARIAH: We don't seem to see many -- or
9 almost any landfills that are currently now required to
10 install a system. A lot of them already installed them
11 with this newer lower threshold.

12 So, also, because of the NSPS, they kind of
13 overlapped. It really doesn't matter what status they
14 are in, they're going to have the same requirements.
15 And the federal plan has been in place, so technically
16 they should be following the federal plan right now.

17 MR. LANDERS: Thank you.

18 MS. CHERYL BRADLEY: Any other questions from
19 the council?

20 Okay. Hearing none, we'll go on to taking
21 questions, comments, and discussion from the public.

22 I've received notice that Pete Schultze -- I
23 apologize for obliterating your name.

24 MR. PETE SCHULTZE: Close enough. We're good.
25 My name is Pete Schultze. I am from Waste

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1 proposed in October. Here's the first page of the rule
2 text to revise several sections in Subchapter 47. We
3 have chosen to incorporate by reference the emission
4 guidelines into Subchapter 2 and Appendix Q and point to
5 the relevant sections in our rules.

6 We believe this addresses comments we received from
7 the council and stakeholders, and this mirrors the
8 original rule structure. This example also shows how we
9 added wording like the legacy controlled landfill
10 category that was only found in the federal plan.

11 We received formal comments from EPA Region 6 on
12 the October rule proposal, which is included in your
13 packet. We have not received any other formal comments.

14 Based on EPA's comments, DEQ has modified the
15 definition of existing municipal solid waste landfill to
16 more accurately reflect the date ranges specified in the
17 federal rules. DEQ staff also made minor proofreading
18 changes to the other sections of the rule.

19 After publication of the rule, one of our staff
20 noted the parenthetical 3 in subsection 47-5(a) was not
21 underlined even though it was new language. We have
22 since fixed that error and included that in your folder.

23 In conclusion, DEQ requests the Council to
24 recommend the proposed Subchapter 47 amendments, with
25 the typographical correction presented today, to the

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1 Management. I manage our regional landfills for
2 Oklahoma. Historically, I actually was part of our air
3 compliance group for waste management and also managed
4 all of our gas collection systems in the region and our
5 waste-to-energy facilities in the region.

6 So, overall, waste management is very pleased.
7 Correct, we have proceeded with starting to follow some
8 of the federal rules. It has affected some of our
9 landfills, but they are federal rules that have affected
10 us.

11 Particularly, lowering the limit has caused some of
12 the smaller landfills to trip into that, and we're in
13 the process of starting to construct those gas
14 collections facilities at those smaller -- what we
15 consider smaller landfills. So these rules really
16 aren't affecting that part of it.

17 I do have a few comments that I would like possibly
18 to consider on this. And this was in review. And the
19 state has done a great job of reaching out to
20 stakeholders.

21 In looking at some of the changes that were made,
22 there were a few things that, I think, that may trip up
23 and affect us. And so first thing would be in
24 100-47-6(C)(3), which is on page 3.

25 There's two components that were added and left in

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1 there, particularly the (B) which starts awards
2 contracts to initiate on-site construction or
3 installation and collection of controlled equipment
4 within 20 months of the applicable start date; and (C)
5 commence on-site construction, installation, and
6 collection.
7 Sections -- you know, I would ask that these
8 increments in progresses -- you know, are they really
9 needed for legacy control plans. If not, you know,
10 could we possibly remove those?
11 Historically, landfill staff and consultants are
12 not used to these in the WNW, which doesn't have them,
13 and may result in a noncompliance for missing reports or
14 even through landfills on track and compliance at the
15 end of the 30-months installation period.
16 You know, really, in a nutshell, you know, I think
17 that something that's -- we don't see that the EPA
18 requires, and this is kind of adding on and adds an
19 additional timeline that may trip up a lot of people if
20 they're not paying attention to it.
21 So that would be --
22 CHAIR LODES: Steve? Can I interrupt? Can I
23 interrupt you briefly?
24 MR. PETE SCHULTZE: Yeah. Go ahead.
25 CHAIR LODES: Okay. So I'm trying to follow

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1 system." When you start talking about an MSW landfill
2 gas collection, you start including wells, you know,
3 fittings, valves.
4 And so are we going to be required, every time we
5 have to put in a new well -- and not to go into too much
6 detail -- on a landfill gas collection system, that our
7 permit and our design plan is basically mapped out for
8 the entire life of the facility.
9 So we have to provide a plan that shows every well
10 based on spacing, you know, putting across the landfill
11 to make sure that we're adequately collecting the gas
12 collection system.
13 If we include that verbiage of, you know, landfill
14 gas collection, you know, part of it, then potentially
15 I'm having to get a construction permit for every well
16 that I put into that facility.
17 And if I have to replace the well, because you can
18 imagine in a landfill, if they settle we're putting
19 plastic piping to collect these wells, and they
20 typically don't last, you know, the entire life. I'm
21 having to redrill them.
22 So for me to go and potentially have to do a permit
23 mod for any kind of construction work every time I'm
24 doing it, that would be a bit cumbersome. So I think if
25 we left that "control system" and not add that -- that

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1 along with where you're saying. So you're saying it's
2 on the 47-6(C)? Is that what we're talking about?
3 MR. PETE SCHULTZE: (C)(3), and then there's
4 (A), (B), and (C), which are -- you know, capital
5 letters A, B, and C. And the (B) and the (C), you know,
6 we feel are a little bit in addition, you know, and
7 above what the EPA is recommending in their requirements
8 and that we've seen in other places where we've -- you
9 know, the states had to have rules for these, so that
10 would be something --
11 CHAIR LODES: So you're saying the federal rule
12 doesn't have a 20-month timeline?
13 MR. PETE SCHULTZE: No, it's going to only --
14 only the 12 and 30. Correct.
15 CHAIR LODES: Okay.
16 MR. PETE SCHULTZE: And then the second part of
17 what we saw that may be a concern is 47-6(B). It's on
18 page 2, and it highlights construction permits.
19 (B) says construction permits, the owner or
20 operator of any existing MSW landfill that installs an
21 MSW landfill collection -- or gas collection and control
22 system is required to obtain construction permits
23 provided.
24 One of the things that concerns us on that is that
25 we would potentially like to see just "landfill control

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1 interpretation could kind of trip us up a little bit and
2 cause us some extra, you know, permitting, you know,
3 extra time, and then also DEQ having spend extra time to
4 review that when we've already got that control under
5 our permit plan.
6 So, but -- I know these are kind of small
7 components, but I think overall they're components that,
8 you know, are not completely required by the federal
9 rules; and, two, it's just adding some additional time
10 for both us and the DEQ.
11 MR. LANDERS: Are those wells considered a
12 source, though, a source of emissions?
13 MR. PETE SCHULTZE: No, the source of
14 emission -- well, the whole landfill is considered a
15 source of emission. So that's -- when we test -- you
16 know, they're talking about the limits that we have on
17 that, those limits are actually done through a testing
18 of punching holes in so many square feet across the
19 landfill and then determining the amount of emissions
20 coming from that specific hole. That's not specifically
21 from each well whenever we determine the emission rate.
22 MR. LANDERS: So the emission rate is not
23 dependent upon 10 wells or 30 wells.
24 MR. PETE SCHULTZE: No, it's the surface of the
25 landfill and the flare or whatever the destruction

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1 device is. You know, whether it's a, you know, taking
2 engines and making electricity out of them or converting
3 the gas into, you know, some sort of wax or cleaning it
4 up and putting it back in the pipeline, which is a lot
5 of our projects that we have and utilize at our
6 landfills.

7 MR. CAVES: Mr. Schultze, I did have a
8 question. When you're talking about, in 100-47-6(B),
9 landfill gas collection and control system, I read that
10 as one. It's a collection and control system.

11 MR. PETE SCHULTZE: Right.

12 MR. CAVES: Are you under the belief that's two
13 separate?

14 MR. PETE SCHULTZE: I'm saying the control
15 system covers everything. And if we leave gas
16 collection, that could be interpreted as wells and
17 things that already are covered under control system.

18 And our concern is that when you start talking gas
19 collection, that goes to those wells and potentially
20 could have us having to redo the permit every time we
21 have to repair, install, a new well because we've added
22 more landfill space to our landfill.

23 CHAIR LODES: So, Kendal or Phillip, is that
24 how you all have interpreted it, where installing a well
25 would be part of the collection system?

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1 then I buy the property next to it, then, yes, that is
2 an expansion that we have to redo our permit and modify
3 that.

4 So our concern is to make sure that, on our
5 existing permit with the solid waste group, that if I
6 add -- build more cells within that existing permit,
7 that I'm going to have to update my air permit every
8 time I install a new well.

9 CHAIR LODES: Okay. So you're permitted for
10 100 acres and you're still building within your 100
11 acres.

12 MR. PETE SCHULTZE: Correct. That's what we're
13 saying is we feel -- and we've seen it in other states
14 where that kind of became a question. And, you know, it
15 caused us to have to do additional permitting within the
16 existing permit that we have.

17 MS. STEGMANN: Okay. I have a question. On
18 your existing air permit, does -- is that hundred acres
19 included in that air permit?

20 MR. PETE SCHULTZE: It is included, yes,
21 because we have to calculate based on the potential size
22 of that air space for our permit.

23 MS. STEGMANN: It's included as -- you're not
24 asking -- you're not linear -- it wouldn't be a
25 modification. That's what I'm worried about.

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1 MR. LANDERS: And, plus, he just said, "I've
2 expanded my landfill."

3 CHAIR LODES: Well, that's different.

4 MR. PETE SCHULTZE: Well, now, and, see, and
5 that's always been the tough -- you know, why we
6 consider the entire landfill when we do these
7 calculations. It's the -- it's the potential air space
8 in our permitted site.

9 Because, as you can imagine, when we build a cell
10 or we have landfill, we build -- let's say we start out
11 and build 20 acres. You know, when that 20 acres fills
12 up, then I add 10 more acres.

13 So the rules require us, as the trash sits there
14 for two years, then once that sat there, then we have to
15 put a well into that gas system.

16 CHAIR LODES: So you're thinking that if you
17 add 10 more acres, you should not have to get a
18 construction permit?

19 MR. PETE SCHULTZE: That's correct, because we
20 already have an existing permit. Right now we don't
21 have to. And so that's our concern, is by doing this it
22 may cause us to have to do a permit every time I expand
23 my gas system or even expand my landfill, because -- and
24 when I say "expand my landfill," if we do expand a
25 landfill, let's say my total permit is 100 acres and

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1 MR. PETE SCHULTZE: Correct.

2 And talking about these rules, let's make sure
3 we're clear. I wouldn't have to install a gas system
4 until we trip those numbers. Used to be 50, now it's
5 34. So, it's very confusing.

6 Go ahead.

7 MR. TOM RICHARDSON: I'm Tom Richardson. I'm
8 an engineer in the Rules and Planning Section. So just
9 to answer the question about what our interpretation is,
10 so I think up till now our interpretation has been a
11 landfill gas collection control system is a system.

12 So that would necessitate a construction permit
13 when you go over, in this case, would be 34 megagrams
14 per year, previously it was 50.

15 So that system requirement initiates the
16 construction permit, but it's kind of an additional --
17 like, adding a new gas collection well would not be
18 something that would necessitate a new permit -- or a
19 construction permit, rather. It would just be an
20 ongoing, you know, process of working through the
21 operation of that system.

22 But I think you raise a point that maybe we need to
23 give some consideration to if it could be interpreted
24 that way, even though we haven't so far been
25 interpreting that way ourselves.

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1 Did that --

2 MR. PETE SCHULTZE: Yeah, no, no.

3 MR. TOM RICHARDSON: Thank you.

4 MR. LANDERS: Just wondering how is that

5 different from my facility? I have an air permit and --

6 but if I can make a physical change or a change in

7 operation, it doesn't -- even though I have a permit to

8 emit a hundred tons of VOC every year and my change is

9 going to stay below that, it doesn't prevent me from

10 going and having to at least do an analysis to determine

11 whether it needs a new construction permit. And it may

12 require a permit.

13 So I'm not sure I see the difference.

14 CHAIR LODES: That was kind of my question,

15 because all the other facilities, yes, they may be

16 permitted for a hundred acres, to use your analogy, but

17 if they haven't built all those out as part of the

18 original construction permitted before they went to

19 operating, when they go to make the next physical change

20 they have to file for a permit amendment, whether it's a

21 Tier I or a minor mod or not.

22 And so, Phillip, is that not what the landfills do

23 when they do -- if they permit for a hundred acres, do

24 they not have to do permits along the way?

25 MR. PHILLIP FIELDER: Phillip Fielder,

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1 that there is no exclusion from the NSR process for air

2 quality permitting anyway.

3 But I would -- I would back up Tom's position that

4 the original installation of the control -- the

5 collection and control system, I think, is what we were

6 trying to get at there.

7 And then modification, again, for NSR is still

8 something we got to look at, or they need to look at,

9 but for the NSPS, I don't -- I think that was in there

10 possibly for the NSPS purposes and those types of

11 things, but -- to get that permitted originally.

12 But, yeah, it's -- it's something that there's been

13 recent discussion over the past couple of years about

14 some of these interpretations.

15 So we haven't done a lot of that permitting as far

16 as modifications of the facilities that expand, those

17 types of systems. And so we haven't addressed what

18 specific criteria would trigger that.

19 So that's my history of the issue.

20 MR. PETE SCHULTZE: Which I would agree.

21 And, I guess, to maybe clarify what we're asking is

22 that, you know, the control system, the flare, you know,

23 or whichever system we're using burning it as -- make

24 electricity, changing it over into natural gas, however,

25 is the control system. And so once you get past that,

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1 Engineering, Air Quality. So we're hitting on an exact

2 issue that the EPA has started communication with the

3 states regarding modifications at landfills and the

4 problem with what that means under a landfill.

5 A lot of EPA's issues are facilities -- or that

6 land divisions and air quality divisions kind of get

7 confused between the way that the rules affect both

8 divisions, and what a modification means.

9 And they're really referring to Title V when these

10 facilities move under what is a modification from a

11 minor to a Title V, but still it's part of the overall

12 issue about what is a modification at a landfill.

13 None of these rules gets us around the NSR

14 criteria. So expanding -- doing a physical change at a

15 landfill to expand your control system is something that

16 needs to be evaluated, in my mind, as far as what I know

17 is not an exclusion. There is no exclusion from the NSR

18 criteria to do that.

19 Would this type of system trigger that? Since the

20 control systems are going to flares and the way that --

21 it's just the way that it's fugitive equipment -- I mean

22 it's fugitive sources until you put control equipment

23 in, and the way it all works is a little bit different.

24 I think we all recognize that.

25 But I think just my overall opinion, anyway, is

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1 that's where it gets gray.

2 And in the past that's something that we've never

3 had to change our permit. It was -- typically, we

4 submitted that we were going to expand our gas system,

5 add wells, and that was submitted to the -- that's

6 submitted to the DEQ, and then they -- I'm sorry -- to

7 the Solid Waste Group. They look at our existing gas

8 collection plan for the entire state facility and make

9 sure that it matches what that original plan was for the

10 entire facility.

11 And so that's typically what the process is now,

12 and we feel that that's what the EPA's intentions were,

13 to keep that. And so, again, our concern is when you

14 start talking about gas collection, you're talking about

15 wells in the system.

16 Control system is what we're okay with because

17 that's what we feel the intent of the rule is.

18 CHAIR LODES: So you're proposing that in (B),

19 just the phrase gas collection -- basically, the three

20 words "gas collection and" would be struck, and then it

21 would just be municipal solid waste landfill control

22 systems required.

23 MR. PETE SCHULTZE: Correct.

24 CHAIR LODES: And then back here on big (B) and

25 (C), you're wanting -- those additional timelines,

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1 you're saying, are beyond what the federal rules have?
2 MR. PETE SCHULTZE: Yes. And those would be
3 stricken.
4 CHAIR LODES: Mr. Zachariah, do you want to the
5 address that a moment, or Madison?
6 MS. MADISON MILLER: Yeah. Madison Miller,
7 supervising attorney for the Air Quality division.
8 To the question of the -- I didn't bring my rule up
9 here. Big (B) and (C) -- 47-6(C)(3), (B) and (C), so
10 those requirements came directly out of the FIP. And in
11 order to replace the FIP with a SIP, we have to instate
12 something that is as restrictive as the FIP. So we
13 pulled those numbers directly out of there.
14 And, Cheryl, I don't know if you want to say
15 anything about how to replace a FIP with a SIP.
16 I think that's all I have on that right now.
17 Okay. Is that all, Malcolm?
18 MR. ZACHARIAH: Malcolm Zachariah.
19 Also, those increments of progress are not in the
20 emission guidelines themselves. They were added to the
21 federal plan because the plan deadline had passed, and
22 so EPA had to give more prescriptive increments in their
23 federal plan. So that's why we're copying that, because
24 we've also missed our deadline for our plan.
25 CHAIR LODES: Okay. That's why those need to

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1 MR. LANDERS: I still have to ask a question.
2 You have a permit for certain emissions, which is
3 dependent, by the way, on the amount of gas you send to
4 the flare?
5 MR. PETE SCHULTZE: No, it's going to be the
6 potential for the life of the site. So there's actually
7 a model that -- I mean, it's not that much different
8 than a refinery. It's just that we're projecting
9 that -- the entire life of the site.
10 MR. LANDERS: Understood. But let's say it's
11 two years down the road since I've installed this
12 system, now I'm going to put in new wells. I guess I
13 don't see that any different than another air emitting
14 facility in the state making a physical -- or changing a
15 method of operational change, which requires a permit.
16 And that may not require a permit. May be able to do it
17 under operational flexibility.
18 But that analysis should probably be done. And, I
19 guess, to back up what Phil said, you know, potentially
20 a new source of emitting.
21 MR. ELLIOTT: Yeah, I agree.
22 MR. PETE SCHULTZE: That would be the first --
23 that may be the first way that's handled in the United
24 States, that the federal regulations -- and that's our
25 concern, is the way that it's written it potentially

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1 stay in there, because they're part of the FIP. Okay.
2 Does that answer your question on this?
3 MR. PETE SCHULTZE: Yes. Yes, it does.
4 CHAIR LODES: Okay. So I don't know if there's
5 much we can do about those if they're part of a FIP.
6 MR. PETE SCHULTZE: I would agree.
7 CHAIR LODES: As much as I might like to.
8 MR. PETE SCHULTZE: Right.
9 CHAIR LODES: Okay. So now we come back to the
10 question of your comment on the phrase "gas collection
11 control system."
12 MR. PETE SCHULTZE: Right.
13 CHAIR LODES: And so, Malcolm, Madison, what
14 are your thoughts about striking that phrase "gas
15 collection" and just calling it "control system"?
16 MS. CHERYL BRADLEY: Gas, do we -- actually,
17 it's landfill gas that's being controlled. Do we want
18 to strike the word "gas"? Does it have -- we want to
19 leave word "gas."
20 MR. PETE SCHULTZE: I'd agree with that, gas
21 collection system, yes.
22 CHAIR LODES: Okay. We're really just striking
23 the words "collection and."
24 MR. PETE SCHULTZE: I would agree.
25 CHAIR LODES: Okay.

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1 opens up that to happen.
2 And so the way that the federal regulations have
3 always regulated us on that behalf is that we've had the
4 ability to expand because then you potentially -- if I
5 have a well that gets plugged up or I have to redrill
6 it, you know, it's watered in for whatever reason, I'm
7 having -- the timelines are going to become very
8 difficult to maintain. Because we do have timelines
9 that once a component, a well, you know, a watered-out
10 header line that's within the landfill, you know, has to
11 be repaired, we do have a timeline that we have to get
12 that back up and running.
13 And so if we go into a permitting process every
14 time we have to do that, it's going to become difficult
15 and make it hard for us to comply.
16 MR. ELLIOTT: I think that wasn't the issue.
17 The issue was you've been operating for a few years with
18 20 acres and two more years down the road you want to
19 expand out, because if you do something like that,
20 that's maintenance activity.
21 It's not a permitting activity to go fix your well,
22 even if you have to do another one that's replacing it,
23 but adding a whole six or seven new wells is a
24 significant construction activity, potentially, and it
25 needs a permitting analysis for the air emissions.

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1 And then you look back and say, okay, your permit
2 that you got for this hundred acres, you're checking
3 your permit analysis to say this is what we modeled,
4 this is what we actually have -- I mean, I -- and I'm
5 not as familiar with these rules --
6 MR. PETE SCHULTZE: We do that -- when we
7 submit a Title V in the plan, an NSPS plan, we do that
8 upfront. All that's down upfront. All that modeling is
9 done upfront.
10 MR. ELLIOTT: Right, but true reality may be
11 your model may have missed it. And now you're going to
12 add a bunch more wells and you're already doing more
13 now. And so I'm kind of with Phillip, I think it needs
14 a permitting analysis at a minimum to do that.
15 MR. LANDERS: May not require a permit, but may
16 be under operational flexibility requirement, but I've
17 got a Title V permit, too. That's for a lot of stuff,
18 if I go make a physical change, I have to compare these
19 new emissions to a baseline over the past ten years.
20 So I just don't see this is as being any different
21 from that. Now, you know, us being the first ones in
22 the country to do that? That sounds --
23 MR. ELLIOTT: Did you say you had some
24 operations in another state that was starting to do this
25 as well?

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1 don't pass this today, we continue underneath the feds
2 for another year because this will be our last
3 opportunity to get it before the Environmental Quality
4 Board within this legislative session, so.
5 MS. STEGMANN: Yes, that is correct.
6 CHAIR LODES: So, I mean, I want to address
7 your concerns and things like that, but that -- if
8 that's been there, I guess, how have you all treated it
9 before, since that phrase was in there prior to this
10 rulemaking?
11 MR. PETE SCHULTZE: Well, as long as it's
12 continued to be interpreted like it was before, then
13 we'll be okay.
14 CHAIR LODES: Okay. So that is a defined term
15 in the federal rules? Okay.
16 MS. MADISON MILLER: Yes.
17 MR. PETE SCHULTZE: Well, thank you.
18 MS. CHERYL BRADLEY: Any more comments or
19 questions from the public?
20 Seeing none, we'll go on to the discussion by the
21 council and possible action.
22 CHAIR LODES: Any other comments or discussion
23 from the council?
24 Staff has recommended that the Air Quality Advisory
25 Council pass this rule as presented today for approval.

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1 MR. PETE SCHULTZE: Yeah, but we don't -- the
2 way it was written -- the way it was written in those
3 rules was control system. Gas control system.
4 MS. STEGMANN: I have a question. This
5 comment, landfill gas collection and control system, is
6 that a defined term in the regulation, that whole
7 phrase?
8 MR. ZACHARIAH: In the federal rule that is.
9 And that's why they keep the two things together as a
10 unit of division control.
11 MS. MADISON MILLER: And something else that I
12 want to add is that this -- this is existing language
13 from the rules that are already in the rules. And so I
14 don't know if, when we go to propose this to EPA, if
15 they would have a problem with us changing, you know,
16 something that's already there.
17 CHAIR LODES: That is the way the defined term
18 is written?
19 MS. MADISON MILLER: Yeah.
20 CHAIR LODES: Okay. If that's way the line is
21 written, and that's the way it's defined in the federal
22 rules, I don't know that we can take out the phrase
23 "collection and control system." Just the "collection
24 and" part of it.
25 And I also -- if we -- Kendal was telling me if we

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1 Do I have a motion?
2 MR. CAVES: I'll make the motion.
3 MR. LANDERS: I will second.
4 CHAIR LODES: I have a motion and a second.
5 Quiana, please call roll.
6 MS. FIELDS: Mr. Caves.
7 MR. CAVES: Yes.
8 MS. FIELDS: Dr. Delano.
9 DR. DELANO: Yes.
10 MS. FIELDS: Mr. Elliott.
11 MR. ELLIOTT: Yes.
12 MS. FIELDS: Mr. Landers.
13 MR. LANDERS: Yes.
14 MS. FIELDS: Ms. Lodes.
15 CHAIR LODES: Yes.
16 MS. FIELDS: Motion passed.
17 MS. CHERYL BRADLEY: That concludes the hearing
18 portion of our meeting today.
19 (End of record.)
20
21
22
23
24
25

1 STATE OF OKLAHOMA)
2) SS:
3 COUNTY OF OKLAHOMA)
4

5 C E R T I F I C A T E

6 I, DEBRA GARVER, a certified shorthand reporter
7 within and for the State of Oklahoma, certify that the
8 foregoing transcription of the Department of
9 Environmental Quality Air Quality Advisory Council
10 Public Meeting, January 19, 2022, at 9:00 a.m., at the
11 Oklahoma Department of Environmental Quality, 707 North
12 Robinson, First Floor, Multi-Purpose Room, in Oklahoma
13 City, Oklahoma, was taken by me in stenotype and
14 simultaneously transcribed by computer, and the
15 foregoing is a true and correct transcript of said
16 proceedings, and that I am not an attorney for or a
17 relative of any party, or otherwise interested in this
18 action.

19 Witness my hand and seal of office
20 January 26, 2022.

21 
22

23 DEBRA GARVER, CSR, RPR
24 State of Oklahoma CSR#1370
25 Certificate exp. 12/31/2022



AIR QUALITY ADVISORY COUNCIL

Attendance Record

January 19, 2022

Oklahoma City, Oklahoma

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