

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO
CHAPTER 100. AIR POLLUTION CONTROL, SUBCHAPTER 47**

**COMMENTS RECEIVED PRIOR TO AND AT THE *October 20, 2021*
AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

U.S. Environmental Protection Agency, Region 6 – Submitted as an attachment to an email received on October 15, 2021, from Guy Donaldson, Chief of State Planning and Implementation Branch, Air and Radiation Division, U.S. EPA, Region 6 (hereafter “EPA”).

- 1. COMMENT:** We note that ODEQ has proposed to incorporate the most recent municipal solid waste landfill (MSW landfill) emission guidelines (EG) located at 40 CFR part 60, subpart Cf, into the Oklahoma state regulations at OAC 252:100-47 in order to meet federal requirements under CAA section 111(d). We also note that legacy landfill language from the MSW landfills federal plan at 40 CFR part 62, subpart OOO, has also been incorporated into Subchapter 47.

RESPONSE: DEQ appreciates EPA’s review of the proposed revisions to Subchapter 47.

- 2. COMMENT:** We recommend that in OAC 252:100-47-3(b)(1), the definition of an existing municipal solid waste landfill should be revised to reads as follows: “...means a municipal solid waste landfill that commenced construction, modification, or reconstruction **on or** before July 17, 2014 and accepted waste **after since** November 8, 1987”. This more accurately reflects the applicability of MSW landfills subject to 40 CFR part 60, subpart Cf. See 40 CFR 60.30f(a) and 40 CFR 60.33f(a)(1).

RESPONSE: DEQ agrees with and has incorporated this recommended change to OAC 252:100-47-3(b)(1) in the revised proposed rule.

- 3. COMMENT:** We note that OAC 252:100-47 had previously included language on “Exemptions” at OAC 252:100-47-5(b). We recommend this language not be submitted as part of Oklahoma’s MSW landfills revised state plan unless proper justification is provided for the inclusion of this language in the state plan. Similar language in OAC 252:100-47-5(b) can be found in the implementing regulations at 40 CFR part 60, subpart B, at 40 CFR 60.24(f); we note that this language is a guideline for drafting and reviewing state plan provisions rather than language that should be included as part of submitted state plans.

RESPONSE: The language in OAC 252:100-47-5(b) was copied verbatim from an April 5, 1998, EPA Region 6 comment submitted before the June 1998 Air Quality Advisory Council meeting, in which EPA recommended inclusion of said language in the rule. Additionally, DEQ notes the language requires EPA approval for any alternative emission standards or compliance schedules. Thus, it is DEQ’s position that no revision to OAC 252:100-47-5(b) is necessary, since approval of the exemption is ultimately within EPA’s

discretion. EPA Region 6 staff also indicated in discussion after the October 20, 2021, council meeting that retention is acceptable.

Oral Comments

There were no oral comments from the public at the October 20, 2021, Air Quality Advisory Council meeting.