

MINUTES
AIR QUALITY ADVISORY COUNCIL
October 5, 2022
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at December 6, 2022 special meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 5, 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. 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 if you wish to make a statement when it’s time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT	DEQ STAFF PRESENT
Matt Caves	Kendal Stegmann
Gary Collins	Beverly Botchlet-Smith
Robert Delano	Joe Daniel
Gregory Elliott	Brooks Kirlin
Garry Keele	Melanie Foster
Steve Landers	Phillip Fielder
John Privrat	Travis Couch
Jeffrey Taylor	Jared Milano
Laura Lodes	Cheryl Bradley
MEMBERS ABSENT	Kathy Aebischer
None	Ryan Biggerstaff
	Tom Richardson
	Malcolm Zachariah
	Christina Hagens
	Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the January 19, 2022 Regular Meeting. Mr. Caves moved to approve and Mr. Keele made the second.

See transcript pages 3 - 4

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

Meeting Schedule for Calendar Year 2023 – Ms. Lodes stated the proposed meeting scheduled dates are: January 11 in Oklahoma City, June 21 in Tulsa and October 4 in Oklahoma City. Mr. Taylor moved to approve the proposed dates and Mr. Elliott made the second.

See transcript pages 4 - 5

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes

Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

City of Mustang Ordinance Requiring Air Curtain Incinerators for Land Clearing Operations – Captain Eric Halter, Fire Chief, City of Mustang gave the presentation. Following discussion by the Council, Ms. Lodes called for a motion to approve the proposal, Mr. Privrat made the motion to approve it as to its reasonableness and technical feasibility and Mr. Taylor made the second.

See transcript pages 5 - 18

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

Public Rulemaking Hearing

Chapter 100. Air Pollution Control

Subchapter 2. Incorporation By Reference [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

Ms. Christina Hagens, Environmental Programs Specialist of the AQD, stated 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. Hearing no questions by the Council or by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Mr. Keele made the second.

See transcript pages 19 - 22

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

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

See transcript page 22 - 23

Presentation – Mr. Brooks Kirlin, P.E., Rules & Planning Section of the AQD, gave a presentation on Oklahoma Emission Reduction Technology Incentive Act.

Presentation – Ms. Kathy Aebischer, Assistant Division Director of the ASD, gave a presentation on the Fiscal Report.

Presentation – Mr. Michael Ketcham, EPS, Emissions Inventory Section of the AQD, gave a presentation on Emission Inventory Trends.

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

The Council discussed having a Special Meeting on December 6, 2022. Ms. Lodes called for a motion, Mr. Collins moved to approve and Mr. Elliott made the second.

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

New Business – None

Adjournment – Ms. Lodes called for a motion to adjourn the meeting. Mr. Taylor moved to adjourn and Mr. Keele made the second. The next scheduled Special Meeting is on Wednesday, December 6, 2022. Meeting adjourned at 10:20 a.m.

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

Transcript and attendance sheet becomes an official part of these Minutes.

1 REGULAR MEETING/HEARING

2 AIR QUALITY ADVISORY COUNCIL

3 OCTOBER 5, 2022, 9:00 AM

4 MEMBERS PRESENT

DEQ STAFF PRESENT

5 Laura Lodes

Kathy Aebischer

6 Garry Keele II

Beverly Botchlet-Smith

7 Matt Caves

Kendal Stegmann

8 Gary Collins

Travis Couch

9 Robert Delano

Melanie Foster

10 Gregory Elliott

Brooks Kirlin

11 Stephen Landers

Christina Hagens

12 John Privrat

Quiana Fields

13 Jeffrey Taylor

14

OTHERS PRESENT

15

Eric Halter

16 MEMBERS ABSENT

John Miller

17 (None)

18

19

20

21

22

23

24

25 REPORTED BY: Jenny Longley, CSR

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1 PROCEEDINGS

2 CHAIRWOMAN LODES: I'd like to call

3 today's meeting of the Air Quality Advisory Council

4 to order.

5 Quiana, will you please call roll?

6 MS. FIELDS: Mr. Caves?

7 MR. CAVES: Here.

8 MS. FIELDS: Mr. Collins?

9 MR. COLLINS: Here.

10 MS. FIELDS: Dr. Delano?

11 DR. DELANO: Here.

12 MS. FIELDS: Mr. Elliott?

13 MR. ELLIOTT: Here.

14 MS. FIELDS: Mr. Keele?

15 VICE-CHAIRMAN KEELE: Here.

16 MS. FIELDS: Mr. Landers?

17 MR. LANDERS: Here.

18 MS. FIELDS: Mr. Privrat?

19 MR. PRIVRAT: Here.

20 MS. FIELDS: Mr. Taylor?

21 MR. TAYLOR: Here.

22 MS. FIELDS: Ms. Lodes?

23 CHAIRWOMAN LODES: Here.

24 MS. FIELDS: We have a quorum.

25 CHAIRWOMAN LODES: Thank you.

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1 The next item on today's agenda is

2 approval of the minutes from the January 19, 2022

3 regular meeting.

4 Do we have any discussion or comments

5 on the minutes?

6 Seeing none, do we have a motion to

7 pass the minutes?

8 MR. CAVES: I'll make a motion.

9 VICE-CHAIRMAN KEELE: Second.

10 CHAIRWOMAN LODES: Thank you, Matt. Thank

11 you, Garry.

12 I have a motion and a second.

13 Quiana, will you please call roll?

14 MS. FIELDS: Mr. Caves?

15 MR. CAVES: Yes.

16 MS. FIELDS: Mr. Collins?

17 MR. COLLINS: Yes.

18 MS. FIELDS: Dr. Delano?

19 DR. DELANO: Yes.

20 MS. FIELDS: Mr. Elliott?

21 MR. ELLIOTT: Yes.

22 MS. FIELDS: Mr. Keele?

23 VICE-CHAIRMAN KEELE: Yes.

24 MS. FIELDS: Mr. Landers?

25 MR. LANDERS: Yes.

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1 MS. FIELDS: Mr. Privrat?

2 MR. PRIVRAT: Yes.

3 MS. FIELDS: Mr. Taylor?

4 MR. TAYLOR: Yes.

5 MS. FIELDS: Ms. Lodes?

6 CHAIRWOMAN LODES: Yes.

7 MS. FIELDS: Motion passed.

8 CHAIRWOMAN LODES: Thank you. The next

9 item on today's agenda is the meeting schedule for

10 calendar year 2023. On this -- it's in our packet

11 -- the proposed meeting dates are Wednesday -- or,

12 yeah, Wednesday, January 11th or an alternate

13 inclement weather date as January 18th here in

14 Oklahoma City, June 21st in Tulsa, and October 4th

15 in Oklahoma City.

16 Do we have any questions or concerns

17 about the dates?

18 Seeing no questions or concerns, do

19 we have a motion to pass the proposed dates?

20 MR. TAYLOR: I'll make a motion.

21 CHAIRWOMAN LODES: Thank you.

22 MR. ELLIOTT: I'll second.

23 CHAIRWOMAN LODES: I have a motion and a

24 second. Quiana, will you please call roll?

25 MS. FIELDS: Mr. Caves?

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1 MR. CAVES: Yes.

2 MS. FIELDS: Mr. Collins?

3 MR. COLLINS: Yes.

4 MS. FIELDS: Dr. Delano?

5 DR. DELANO: Yes.

6 MS. FIELDS: Mr. Elliott?

7 MR. ELLIOTT: Yes.

8 MS. FIELDS: Mr. Keele?

9 VICE-CHAIRMAN KEELE: Yes.

10 MS. FIELDS: Mr. Landers?

11 MR. LANDERS: Yes.

12 MS. FIELDS: Mr. Privrat?

13 MR. PRIVRAT: Yes.

14 MS. FIELDS: Mr. Taylor?

15 MR. TAYLOR: Yes.

16 MS. FIELDS: Ms. Lodes?

17 CHAIRWOMAN LODES: Yes.

18 MS. FIELDS: Motion passed.

19 CHAIRWOMAN LODES: The next item on

20 today's agenda is the "City of Mustang Ordinance

21 Requiring Air Curtain Incinerators for Land Clearing

22 Operations". We've got a presentation by Captain

23 Eric Halter of the -- the Fire Chief for the City of

24 Mustang.

25 CAPTAIN HALTER: Good morning. Thank you

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1 for letting me come up here and talk today. I'm
 2 Eric Halter, the Fire Marshal for the City of
 3 Mustang, and I'm coming to get your -- the council's
 4 approval for the City of Mustang to put in our City
 5 Ordinance to require air curtains for land clearing
 6 for commercial operations.
 7 The background behind it is we're
 8 6 miles long, 2 miles wide, we have about 23,000
 9 population, and from 2013 to 2021, it was required
 10 through the state that they have air curtains for
 11 land clearing operations, and then in November of
 12 '21, it changed to where the City of Mustang doesn't
 13 fall under that state requirement anymore.
 14 We are completely surrounded by
 15 Oklahoma City and we butt up to Oklahoma County. So
 16 when we do the land clearing operations, the smoke
 17 will go into our neighborhoods and our schools and
 18 businesses are there because we're such a compact
 19 area.
 20 So we're trying to continue on with
 21 the same rules that are already there and just waive
 22 the 500,000 population that you have to have to fall
 23 under that. So we're wanting to continue what has
 24 been there, we've never had any issue with using the
 25 air curtains from 2013 to 2021, everybody had just

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1 complied with it, never had any issues.
 2 We did have issues prior to 2013.
 3 When air curtains weren't required, we had a burn
 4 area that caused some smoke and air quality
 5 problems, and that contractor ended up getting sued
 6 by some of the citizens. So the history's there
 7 that we need it, and then we didn't have any
 8 problems with people complying with it for that
 9 almost 10 years, so we're just wanting to continue
 10 on with that process.
 11 CHAIRWOMAN LODES: Thank you.
 12 And -- and it's the City of Mustang
 13 rules that require it to come to us, correct, isn't
 14 that the way it's worked, or is it our state rules?
 15 MS. STEGMANN: It's the Oklahoma Clean Air
 16 Act that requires this.
 17 CHAIRWOMAN LODES: Okay. It's the
 18 Oklahoma -- so everybody else understands, because
 19 of the way the Oklahoma Clean Air Act is written,
 20 since it's a City Ordinance that is more stringent
 21 than our rules, they have to bring this to us. In
 22 case you're wondering why they're bringing it
 23 outside of the others, because I asked this question
 24 last week at the pre meeting because I was a little
 25 surprised. So you gentlemen understand why this

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1 ordinance is coming to us.
 2 And if you'll recall, as he stated,
 3 we have that in our rules and then the legislature
 4 made us change them last year, and so that is why
 5 the City of Mustang has come to us with this one.
 6 Do we have any questions for him?
 7 MR. LANDERS: And we're saying it's more
 8 strict than -- because they're not -- they don't --
 9 currently are not required to have --
 10 CHAIRWOMAN LODES: Because of the 500,000
 11 population requirement. So we have the rule if you
 12 were in, I don't remember which counties, that we
 13 had to do it, you had to -- huh?
 14 MS. FOSTER: Oklahoma and Tulsa are the
 15 only ones now, but before --
 16 CHAIRWOMAN LODES: Right. But before, it
 17 was a bigger area that were required to have the air
 18 curtain incinerators.
 19 MR. PRIVRAT: All the surrounding counties
 20 did.
 21 CHAIRWOMAN LODES: All the surrounding
 22 counties did, and then the legislature in 2020
 23 passed a -- I think it was 2020 passed a rule that
 24 it had to be a population of 500,000 to require the
 25 air curtain incinerators. So that meant only

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1 Oklahoma County and Tulsa County had to, and we had
 2 to do -- if you'll remember, we did a rulemaking
 3 last year to change our -- because I'm trying to
 4 remember which year we did this -- to change our
 5 rules to comply with the state rules, and so because
 6 of that, areas like Mustang are no longer required
 7 to have the air curtain incinerator.
 8 So they have -- they still want to
 9 keep using the air curtain incinerators within the
 10 Mustang city limits, and so they've brought this
 11 rule to us.
 12 MR. COLLINS: Is there any opposition on
 13 record?
 14 MR. CAVES: Has the city heard from any
 15 developers? You said prior to '13 there were some
 16 issues, but during the time when it was required, it
 17 was additional protection. Have any developers or
 18 others come before the city and said anything?
 19 CAPTAIN HALTER: Nobody's said anything
 20 currently. Since the -- since the rule stopped, to
 21 this date we haven't had a land clearing to where it
 22 would -- this would have been brought up, so I'm
 23 just trying to catch it before because I know some
 24 land clearing operations are fixing to come into
 25 play here in the next year or so, so I'm trying to

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1 catch it beforehand.

2 VICE-CHAIRMAN KEELE: Do you guys have to

3 do notification items when you're -- within the

4 community whenever you're passing an ordinance like

5 this?

6 CAPTAIN HALTER: We do, we go -- I'll --

7 so if I get the approval through you guys, I'll go

8 through our city council and we'll have a public

9 hearing with the city council and they'll adopt it

10 into our City Ordinance and then the citizens can --

11 or contractors can come up and voice their opinion

12 in.

13 MR. TAYLOR: Is your council behind all

14 this? I know ours is, and ours has talked about

15 doing it, too.

16 CAPTAIN HALTER: As of right now, I

17 haven't had any complaints or -- to get back to my

18 council.

19 MR. LANDERS: Do you have to have it

20 approved here before you can go before your city

21 council?

22 CAPTAIN HALTER: We did this process to

23 approve it here before the City Council because I

24 didn't want to enact a City Ordinance and then have

25 to go back and take it off the board.

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1 CHAIRWOMAN LODES: Because, yeah, we have

2 to approve it before whatever the city does can go

3 into effect. So they brought it to us first before

4 he takes it because if we denied it, then there's no

5 point going to the city council.

6 MR. LANDERS: Yeah, I understand, it's

7 just a little backwards for the process we go

8 through of getting public input before, but --

9 CHAIRWOMAN LODES: That is correct. So I

10 had a lot of these questions, I was very puzzled by

11 this as of last week.

12 VICE-CHAIRMAN KEELE: Yeah, this is

13 probably the first time this has happened --

14 CHAIRWOMAN LODES: Yeah.

15 VICE-CHAIRMAN KEELE: -- something like

16 this, so --

17 CAPTAIN HALTER: Well, it's my first, as

18 well.

19 MR. PRIVRAT: I talked to several

20 contractors, some were not even aware that the

21 change had been made, they thought that was

22 required. I didn't get any real feedback from

23 anybody when I checked in to say this would be an

24 issue; so I don't see any issues with this.

25 MR. COLLINS: I guess the question is

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1 should it be the council, the city council that

2 brings it before the Air Council, is that a more

3 appropriate entity? I don't know, I'm just asking

4 that question.

5 CHAIRWOMAN LODES: I don't think the way

6 the rules are written, it matters who brings it

7 before us.

8 VICE-CHAIRMAN KEELE: It doesn't specify.

9 CHAIRWOMAN LODES: Yeah.

10 MR. COLLINS: Okay.

11 MR. PRIVRAT: And the City Attorney also

12 wrote a letter; so I mean, it's more than just the

13 fire department, but..

14 CHAIRWOMAN LODES: Sir?

15 MR. MILLER: I was just going to say, I'm

16 the -- I'm John Miller, I'm the City Attorney for

17 the City of Mustang, if there were any legal-type

18 questions that I could answer. Thank you.

19 CHAIRWOMAN LODES: Is there -- I mean, I

20 guess does it matter -- it doesn't -- there's

21 nothing in the rules that say it needs to be the

22 city council that would bring it to us?

23 MR. MILLER: No, it's --

24 CHAIRWOMAN LODES: No? Okay.

25 MR. MILLER: The rules say that the city

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1 brings it, and as a representative of the city, on

2 behalf of the city, the state fire -- or, our

3 municipal fire marshal is the appropriate person to

4 do that.

5 CHAIRWOMAN LODES: Okay.

6 MR. MILLER: It's under his bailiwick, the

7 enforcement and the driving force behind the

8 enactment of these ordinances in the City of

9 Mustang.

10 CHAIRWOMAN LODES: Okay. Any other

11 questions or comments?

12 VICE-CHAIRMAN KEELE: How quickly is you

13 guys' procedure if it goes whenever you get back in

14 front of your council? How quickly will the

15 ordinance be enacted, I guess?

16 MR. MILLER: Well, the -- that will

17 depend. The -- if it's passed -- approved by the

18 Air Quality Control Council today, it will go on the

19 November docket for our regularly-scheduled meeting,

20 and if it is passed at that time, it will go into

21 effect 30 days after publication; so it would go

22 into effect in December.

23 VICE-CHAIRMAN KEELE: Thank you.

24 MR. MILLER: Thank you.

25 MR. LANDERS: It sounds like that your

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1 city council still has the option to not pass the --
 2 I know it sounds unlikely, but to not pass the
 3 ordinance; right?
 4 CAPTAIN HALTER: They do.
 5 MR. LANDERS: So I guess even if we pass
 6 it today, there's still going to be an -- a hearing
 7 for -- an opportunity for public input before they
 8 pass it.
 9 CHAIRWOMAN LODES: That is correct.
 10 MS. STEGMANN: I would say that this is
 11 not a passing or for y'all to pass this, I think
 12 it's just approval from the council to move forward,
 13 that's how --
 14 VICE-CHAIRMAN KEELE: Move forward with a
 15 rule that's more stringent to address this.
 16 MR. ELLIOTT: Yeah, right, that seems
 17 probably a better view.
 18 MS. STEGMANN: Yeah, that's how I would
 19 view this.
 20 MR. CAVES: So we're not, you know,
 21 ultimately endorsing what they're doing, we're just
 22 approving it so they can move forward and then it's
 23 their ultimate decision.
 24 CHAIRWOMAN LODES: Yes. We're approving
 25 the proposal so that they can move forward with it

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1 to take it, and then the city will go through their
 2 process to actually pass and enact it.
 3 VICE-CHAIRMAN KEELE: Basically, saying
 4 this rule -- it's okay for there to be more
 5 stringent than the regular rule set that we're
 6 dealing with.
 7 MR. ELLIOTT: Then they'll have public
 8 comments and a chance for people to have input and
 9 --
 10 VICE-CHAIRMAN KEELE: Correct.
 11 CHAIRWOMAN LODES: Any other questions or
 12 comment?
 13 MR. LANDERS: Do we know why the
 14 legislature passed the bill that they did -- I mean
 15 --
 16 CHAIRWOMAN LODES: Yeah, that was --
 17 MR. LANDERS: -- obviously, there was some
 18 reason they did that that would -- basically.
 19 MR. PRIVRAT: I think that from what I've
 20 seen, there are some rural areas where, truly, the
 21 air curtain incinerators are not really required.
 22 When you look at the area that encompasses all the
 23 surrounding counties, Mustang is really unique. I
 24 didn't realize the shape that it was, I thought it
 25 was much bigger.

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1 I mean, to me, it certainly makes
 2 sense. I don't think if a larger area would require
 3 this, as a -- you know, as a member, I think we
 4 could legitimately say if there's a unique situation
 5 we could not agree with for a huge area, but
 6 Mustang, to me, meets the requirements and makes
 7 sense for such a small area not having open burning.
 8 But I think their idea was there's a
 9 lot of rural area that was covered under the old
 10 bill, and that didn't make as much sense in some of
 11 those areas. That's what I saw.
 12 VICE-CHAIRMAN KEELE: Thanks for that,
 13 that makes a lot of sense, actually.
 14 CHAIRWOMAN LODES: Any other questions or
 15 comments?
 16 So they've requested that we approve
 17 this proposed ordinance to go before their city
 18 council. Do we have a motion to approve it? I
 19 guess this is the right procedures, right?
 20 MR. COUCH: I would make a motion using
 21 the statutory language that brought us here today.
 22 I would recommend you make a motion to approve it as
 23 to its reasonableness and technical feasibility.
 24 CHAIRWOMAN LODES: Okay. Do we have a
 25 motion that says what he said?

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1 MR. PRIVRAT: I make a motion to approve,
 2 due to its -- say that again -- reasonableness --
 3 MR. COUCH: Reasonableness and technical
 4 feasibility.
 5 MR. PRIVRAT: -- reasonableness and
 6 technical feasibility.
 7 MR. TAYLOR: I'll second that.
 8 CHAIRWOMAN LODES: Quiana, will you please
 9 call roll?
 10 MS. FIELDS: Mr. Caves?
 11 MR. CAVES: Yes.
 12 MS. FIELDS: Mr. Collins?
 13 MR. COLLINS: Yes.
 14 MS. FIELDS: Dr. Delano?
 15 DR. DELANO: Yes.
 16 MS. FIELDS: Mr. Elliott?
 17 MR. ELLIOTT: Yes.
 18 MS. FIELDS: Mr. Keele?
 19 VICE-CHAIRMAN KEELE: Yes.
 20 MS. FIELDS: Mr. Landers?
 21 MR. LANDERS: Yes.
 22 MS. FIELDS: Mr. Privrat?
 23 MR. PRIVRAT: Yes.
 24 MS. FIELDS: Mr. Taylor?
 25 MR. TAYLOR: Yes.

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1 MS. FIELDS: Ms. Lodes?
 2 CHAIRWOMAN LODES: Yes.
 3 MS. FIELDS: Motion passed.
 4 CHAIRWOMAN LODES: Thank you.
 5 CAPTAIN HALTER: Thank you.
 6 CHAIRWOMAN LODES: Thank you, gentlemen.
 7 The next item on today's agenda is
 8 the "Public Rulemaking Hearing".
 9 Beverly?
 10 MS. BOTCHLET-SMITH: Good Morning: I'm
 11 Beverly Botchlet-Smith, I'm the Assistant Director
 12 of the Air Quality Division, and as such, I will
 13 serve as the protocol officer for today's hearings.
 14 The hearings will be convened by the
 15 Air Quality Council in compliance with the Oklahoma
 16 Administrative Procedures Act and Title 40 of the
 17 Code of Federal Regulations, Part 51, as well as the
 18 authority of Title 27A of the Oklahoma Statutes,
 19 Section 2-2-201 and Sections 2-5-101 through
 20 2-5-117.
 21 Notice of the October 5, 2022
 22 hearings were advertised in the OKLAHOMA REGISTER
 23 for the purpose of receiving comments pertaining to
 24 the proposed OAC Title 252 Chapter 100 rules as
 25 listed on the Agenda and will be entered into each

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1 record along with the Oklahoma Register filing.
 2 Notice of the Meeting was filed with the Secretary
 3 of State on November 3, 2021. The Agenda was duly
 4 posted 24 hours prior to the meeting at the DEQ.
 5 If you wish to make a statement, it's
 6 very important for you to complete the form at the
 7 registration table, and then you will be called upon
 8 at the appropriate time. Audience members please
 9 come to the podium for your comments and please
 10 state your name prior to making them.
 11 At this time, we'll proceed with
 12 what's marked as Agenda Item 6A on the Hearing
 13 Agenda. This is: "Chapter 100, Air Pollution
 14 Control"; "Subchapter 2, Incorporation by
 15 Reference"; and "Appendix Q, Incorporation by
 16 Reference [Revoked]" and "Appendix Q, Incorporation
 17 by Reference [New]".
 18 The presentation will be made by
 19 Christina Hagens, she's an Environmental Programs
 20 Specialist with the Air Quality Division.
 21 Christina?
 22 MS. HAGENS: Good morning. Madam Chair,
 23 Members of the Council, my name is Christina Hagens,
 24 I'm an Environmental Programs Specialist in the Air
 25 Quality Division here at DEQ.

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1 The department is proposing to update
 2 language in Subchapter 2, "Incorporation by
 3 Reference", to reflect the new date of incorporation
 4 for Appendix Q. In addition, the department is
 5 proposing to revoke the current Chapter 100
 6 Appendix Q Incorporation by Reference and adopt a
 7 new Appendix Q.
 8 This proposal is part of the annual
 9 update of Title 40, Code of Federal Regulations,
 10 Incorporation by Reference in Chapter 100. The
 11 Oklahoma Rules on Rulemaking dictates the procedure
 12 for amending a rule appendix by revoking the old and
 13 creating an entirely new appendix.
 14 The proposed changes to Appendix Q
 15 reflect federal regulations, mostly New Source
 16 Performance Standards (NSPS) and National Emissions
 17 Standards for Hazardous Air Pollutants (NESHAP),
 18 which have been implemented as of June 30, 2022.
 19 The update would incorporate any
 20 amendments to standards currently listed in Appendix
 21 Q, and a list of the standards that are currently
 22 included in Appendix Q which have been modified
 23 since July 1st of 2021 was provided in your packet.
 24 A notice of the proposed changes was
 25 published in the Oklahoma Register on September 1,

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1 2022. Written comments from the public and other
 2 interested parties was requested in the notice and
 3 no comments have been received as of today.
 4 Staff requests that the council
 5 recommend this rulemaking to the Environmental
 6 Quality Board for permanent adoption. Thank you.
 7 MS. BOTCHLET-SMITH: At this point, we can
 8 have discussion by the council. Any questions?
 9 CHAIRWOMAN LODES: Any questions or
 10 comments?
 11 MS. BOTCHLET-SMITH: I have not received
 12 any forms from anyone in the public, but just to
 13 check, is there anyone who wants to ask a question
 14 or make a comment on this rule?
 15 Seeing none, if there are no
 16 questions from the council, I'll turn it back to
 17 you, Laura.
 18 CHAIRWOMAN LODES: Okay. Seeing no
 19 questions or comments, the agency has asked that we
 20 pass the annual update to Subchapter 100 -- to
 21 Chapter 100, Subchapter 2, and Appendix Q, we'll do
 22 Incorporation by Reference. Do we have a motion?
 23 MR. ELLIOTT: I'll make a motion to
 24 approve the updates to the Subchapter 2 and the
 25 Appendix Q.


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1 CHAIRWOMAN LODES: Thank you.
 2 Do I have a second?
 3 VICE-CHAIRMAN KEELE: Second.
 4 CHAIRWOMAN LODES: I have a motion and a
 5 second. Quiana, please call the roll.
 6 MS. FIELDS: Mr. Caves?
 7 MR. CAVES: Yes.
 8 MS. FIELDS: Mr. Collins?
 9 MR. COLLINS: Yes.
 10 MS. FIELDS: Dr. Delano?
 11 DR. DELANO: Yes.
 12 MS. FIELDS: Mr. Elliott?
 13 MR. ELLIOTT: Yes.
 14 MS. FIELDS: Mr. Keele?
 15 VICE-CHAIRMAN KEELE: Yes.
 16 MS. FIELDS: Mr. Landers?
 17 MR. LANDERS: Yes.
 18 MS. FIELDS: Mr. Privrat?
 19 MR. PRIVRAT: Yes.
 20 MS. FIELDS: Mr. Taylor?
 21 MR. TAYLOR: Yes.
 22 MS. FIELDS: Ms. Lodes?
 23 CHAIRWOMAN LODES: Yes.
 24 MS. FIELDS: Motion passed.
 25 MS. BOTCHLET-SMITH: And that concludes

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1 the hearing portion of today's meeting.
 2 (HEARING CONCLUDED AT 9:21 AM)
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1 CERTIFICATE
 2 I, Jenny Longley, Certified Shorthand
 3 Reporter within and for the State of Oklahoma, do
 4 hereby certify that the above and foregoing hearing
 5 was by me taken in shorthand and thereafter
 6 transcribed; and that I am not an attorney for nor
 7 relative of any of said parties or otherwise
 8 interested in the event of said action.
 9 IN WITNESS WHEREOF, I have hereunto
 10 set my hand and official seal this 10th day of
 11 October, 2022.
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 14 
 15 _____
 16 Jenny Longley, CSR
 17 CSR # 1903
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AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 5, 2022

Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

MELANIE FOSTER	AQD	
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Christina Hagens	AQD	
Jane & Milan	AQD	
Cheryl Bradley	AQD	
Kathy Aebischer	DEQ/ASD	
Beverly Botchlet-Smith	DEQ	
Kendal Stegmann	DEQ	
Jeff Taylor	AQD	
Jeremy Jewell	Trinity	
Tom Richardson	AQD	
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Brooks Kurlin	AQD	
Craig Carruth	Mustang Fire Dept.	
Eric Halter	Mustang Fire Dept.	
Sam Miller	City of Mustang	
Ryan Biggerstaff	AQD	
Quiana Fields	ODEQ	
Randy Wassel	public	Randy1997@yahoo.com
Greg Elliott	AQAC	greg.elliott@valero.com
Bob Delano	AQHC	
John Privat	AQAC	
Phillip Frick	AQB	
Travis Couch	AQD	
Joe Daniel	AQD	
Steve Landers	AQC	



AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 5, 2022

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

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Bud Ground EFO

Matt Caves AQAC

BRUCE POLLARD ACOG

Malcolm Zachariah