REGULAR MEETING/HEARING AGENDA
AIR QUALITY ADVISORY COUNCIL
October 4, 2023, 9:00 a.m.
Department of Environmental Quality
707 North Robinson Avenue
Oklahoma City, OK

Please turn off cell phones

1. **Call to Order –** Laura Lodes, Chair

2. **Roll Call –** Quiana Fields

3. **Approval of Minutes –** January 11, 2023 Regular Meeting

4. **Meeting Schedule for Calendar Year 2024** – Discussion and action by Council

5. **Public Rulemaking Hearing**

   A. **Chapter 100. Air Pollution Control**
   Subchapter 17. Incinerators
   252:100-17-93 Exemptions [AMENDED]
   252:100-17-103 Part 70 permits [AMENDED]

   Subchapter 23. Control of Emissions From Cotton Gins
   252:100-23-3 Applicability, general requirements [AMENDED]

   Subchapter 35. Control of Emission of Carbon Monoxide
   252:100-35-1 Purpose [AMENDED]

The Department of Environmental Quality (Department or DEQ) is proposing to make revisions in Subchapters 17, 23, and 35 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to correct typographical errors in citations found in OAC 252:100-17-93, OAC 252:100-17-103, and OAC 252:100-23-3. In addition, the Department is proposing to correct the reference to the air quality standard in OAC 252:100-35-1. The gist of this rule proposal and the underlying reason for the rulemaking is to revise inaccurate rule language.

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

B. Chapter 100. Air Pollution Control
Subchapter 2. Incorporation by Reference [AMENDED]
Appendix Q. Incorporation by Reference [REVOKED]
Appendix Q. Incorporation by Reference [NEW]

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

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

6. **Presentation** – Anticipated NAAQS Revisions and Monitoring Network Changes – Bryan Sims, EPM, Monitoring Section West, AQD & Ryan Biggerstaff, EPM, Monitoring Section East, AQD

7. **Presentation** – EPA's Good Neighbor Ozone Federal Implementation Plan (FIP) – Travis Couch, AQD Supervising Attorney, Legal Division

8. **Division Director's Report –** Beverly Botchlet-Smith, Assistant Division Director, AQD

9. **New Business –** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

10. **Adjournment –** The next regular meeting is tentatively scheduled for Wednesday, January 10, 2024, in Oklahoma City, Oklahoma.

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

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Incorporation By Reference
252:100-2-3 Incorporation by reference [AMENDED]
Subchapter 17. Incinerators
252:100-17-93 Exemptions [AMENDED]
252:100-17-103 Part 70 permits [AMENDED]
Subchapter 23. Control of Emissions From Cotton Gins
252:100-23-3 Applicability, general requirements [AMENDED]
Subchapter 35. Control of Emission of Carbon Monoxide
252:100-35-1 Purpose [AMENDED]
Appendix Q. Incorporation By Reference [REVOKED]
Appendix Q. Incorporation By Reference [NEW]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations. The Department is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100.

The Department is proposing to make revisions in Subchapters 17, 23, and 35 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to correct typographical errors in citations found in OAC 252:100-17-93, OAC 252:100-17-103, and OAC 252:100-23-3. In addition, the Department is proposing to correct the reference to the air quality standard in OAC 252:100-35-1. The gist of this rule proposal and the underlying reason for the rulemaking is to revise inaccurate rule language.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, 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 2-5-130.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 1, 2023, through October 2, 2023. Oral comments may be made at the October 4, 2023 Air Quality Advisory Council meeting and at the November 7, 2023 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 4, 2023, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, November 7, 2023, at the Simmons Center Convention Center – Redbud Courtyard, 800 Chisholm Trail Pkwy, Duncan, OK 73533.

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.

PERSONS WITH DISABILITIES:

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

DRAFT MINUTES
AIR QUALITY ADVISORY COUNCIL
January 11, 2023
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at October 4, 2023 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on January 11, 2023. Notice of the meeting was forwarded to the Office of Secretary of State on November 1, 2022. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Beverly Botchlet-Smith acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that forms were available at the registration table for anyone wishing to comment on any of the rules. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT	DEQ STAFF PRESENT	
Matt Caves	Kendal Stegmann	
Robert Delano	Beverly Botchlet-Smith	
Gregory Elliott	Cheryl Bradley	
Garry Keele II	Christina Hagens	
Steve Landers	Melanie Foster	
John Privrat	Jared Milano	
Jeffrey Taylor	Kathy Aebischer	
Laura Lodes	Brooks Kirlin	
	Carrie Schroeder	
MEMBERS ABSENT	Camas Frey	**OTHERS PRESENT**
Gary Collins	Teresa Sikorski	Jenny Longley, Court Reporter
	Michael Ketcham	
	Rick Groshong	
	Austin Sides	
	Erin Hatfield	
	Malcolm Zachariah	
	Travis Couch	
	Rob Singletary	
	Joe Daniel	
	Michelle Wynn	
	Quiana Fields	

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the December 6, 2022 Special Meeting. Mr. Privrat moved to approve and Mr. Caves made the second.

See transcript pages 3 - 4

Matt Caves	Yes	Steve Landers	Abstain
Robert Delano	Yes	John Privrat	Yes
Gregory Elliot	Yes	Jeffrey Taylor	Yes
Garry Keele	Yes	Laura Lodes	Yes

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

See transcript pages 4 - 5

Matt Caves	Yes	Steve Landers	Yes
Robert Delano	Yes	John Privrat	Yes

Gregory Elliot	Yes	Jeffrey Taylor	Yes
Garry Keele	Yes	Laura Lodes	Yes

Chapter 100. Air Pollution Control
Subchapter 5. Registration, Emission Inventory and Annual Operation Fees
252:100-5-2.2. Annual operating fees [AMENDED]

Ms. Christina Hagens, Environmental Programs Specialist of the Air Quality Division, stated the Department is proposing to amend OAC 252:100, Subchapter 5, Registration, Emission Inventory and Annual Operating Fees, to update the annual operating fee schedule language to modify the base fee and include the use of the Consumer Price Index (CPI) in the adjustment of annual operating fees for minor facilities. Part 70 (major) sources are subject to adjusted annual operating fees based on the CPI. Hearing comments by the public and none by the Council, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Mr. Taylor made the second.

See transcript pages 6 - 13

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

Chapter 100. Air Pollution Control
Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program [NEW]
252:100-49-1 Purpose and Applicability [NEW]
252:100-49-3 Definitions [NEW]
252:100-49-5 Program criteria and qualification determination [NEW]
252:100-49-7 Sunset provision [NEW]

Mr. Brooks Kirlin, Professional Engineer of the AQD, stated the Department is proposing to add Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program to OAC 252:100, to implement applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. The act created the "Oklahoma Emission Reduction Technology Rebate Program," administered by the DEQ and the Oklahoma Tax Commission, to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. Following questions by the Council and by the public, Ms. Lodes called for a motion, Mr. Caves moved to approve and Dr. Delano made the second.

See transcript pages 13 - 28

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

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

See transcript page 28

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. Taylor moved to approve and Dr. Delano made the second. The next scheduled regular meeting is on Wednesday, June 21, 2023 in Tulsa, Oklahoma.

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

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

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REGULAR MEETING/HEARING
AIR QUALITY ADVISORY COUNCIL
JANUARY 11, 2023, 9:00 AM

MEMBERS PRESENT
Laura Lodes
Garry Keele II
Matt Caves
Robert Delano
Gregory Elliott
John Privrat
Stephen Landers
Jeffrey Taylor

MEMBERS ABSENT
Gary Collins

REPORTED BY: Jenny Longley, CSR

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PROCEEDINGS

CHAIRWOMAN LODES: Ready to call today's meeting of the Air Quality Advisory Council to order.

Quiana, will you please call roll?

MS. FIELDS: Mr. Caves?

MR. CAVES: Present.

MS. FIELDS: Mr. Collins is absent.

Dr. Delano?

DR. DELANO: Present.

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Present.

MS. FIELDS: Mr. Keele?

VICE-CHAIRMAN KEELE: Present.

MS. FIELDS: Mr. Landers?

MR. LANDERS: Present.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Present.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Present.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Present.

MS. FIELDS: We have a quorum.

CHAIRWOMAN LODES: Thank you.

The next item on today's Agenda is approval of the minutes from the December 6, 2022 special meeting. Do we have any comments or discussion on the minutes?

Seeing no comments or discussions on the minutes, do we have a motion to approve?

MR. PRIVRAT: Make a motion to approve.

MR. CAVES: I'll second.

CHAIRWOMAN LODES: I have a motion and a second.

Quiana, will you please call roll?

MS. FIELDS: Mr. Caves?

MR. CAVES: Yes.

MS. FIELDS: Dr. Delano?

DR. DELANO: Yes.

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Keele?

VICE-CHAIRMAN KEELE: Yes.

MS. FIELDS: Mr. Landers?

MR. LANDERS: Abstain.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Yes.

MS. FIELDS: Motion passed.

CHAIRWOMAN LODES: Thank you.

The next item on today's Agenda is the election of officers. Do we have any discussion?

MR. TAYLOR: I'll make a motion that Laura Lodes stays as the chair.

CHAIRWOMAN LODES: We need a vice-chair, too.

MR. TAYLOR: Okay. I'm sorry about that. And then Garry, would you do the vice-chair?

VICE-CHAIRMAN KEELE: (Nodded head).

MR. TAYLOR: Okay. Make Garry the vice-chair.

MR. ELLIOTT: I second that.

CHAIRWOMAN LODES: Okay. I have a motion and a second. Quiana, will you please call roll?

MS. FIELDS: Mr. Caves?

MR. CAVES: Yes.

MS. FIELDS: Dr. Delano?

DR. DELANO: Yes.

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Keele?

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VICE-CHAIRMAN KEELE: Yes.
MS. FIELDS: Mr. Landers?
MR. LANDERS: Yes.
MS. FIELDS: Mr. Privrat?
MR. PRIVRAT: Yes.
MS. FIELDS: Mr. Taylor?
MR. TAYLOR: Yes.
MS. FIELDS: Ms. Lodes?
CHAIRWOMAN LODES: Yes.
MS. FIELDS: Motion passed.
CHAIRWOMAN LODES: Thank you, gentlemen. We will now enter the public rulemaking portion.
MS. BOTCHLET-SMITH: Thanks, Laura.
Good morning, I am Beverly Botchlet-Smith, I'm the Assistant Director of the Air Quality Division. As such, I will serve as a protocol officer for today's hearings.
The hearings will be convened by the Air Quality Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 of the Code of Federal Regulations, Part 51, as well as the authority of Title 27A of the Oklahoma Statutes, Section 2-2-201 and Sections 2-5-101 through 2-5-117.
Notice of the January 11, 2023

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hearings were advertised in the Oklahoma Register for the purpose of receiving comments pertaining to the proposed OAC Title 252 Chapter 100 rules as listed on the Agenda and will be entered into each record along with the Oklahoma Register filing. Notice of the meeting was filed with the Secretary of State on November 1, 2022. The Agenda was duly posted 24 hours prior to the meeting at the DEQ.
If you wish to make a statement, it is very important for you to complete the form at the registration table and you will be called upon at the appropriate time. Audience members, please come to the podium for your comments and please state your name prior to making your comments.
At this time, we will proceed with what's marked as Agenda Item 5A on the Hearing Agenda. This is Chapter 100, Air Pollution Control; Subchapter 5, Registration, Emission Inventory and Annual Operating Fees; 252:100-5-2.2, Annual Operating Fees.
The presentation will be given by our staff member, Environmental Programs Specialist Christina Hagens.
MS. HAGENS: Thank you, Beverly.
Good morning, Madam Chair, Members of

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the Council, and everyone in attendance today. My name is Christina Hagens, and as Beverly said, I am an Environmental Programs Specialist in the Air Quality Division, and this morning I will be again presenting on Subchapter 5, Registration, Emission Inventory and Annual Operating Fees.
A Notice of the proposed changes was published in the Oklahoma Register on December 1, 2022. Written comments from the public and other interested parties were requested in the Notice, and no written comments have been received as of today.
In December, I introduced the proposed rule changes that would be brought forth for this January meeting, which I will briefly reiterate. These changes for minor source facilities include a new base fee of $36.50 per ton of regulated air pollutant; an end date for the existing fee, which is $25.12 until June 30, 2024; and new language on the annual CPI adjustment for minor facilities. This new language emphasizes that the CPI will not be applied until July 1, 2024, which is also when the new base fee of $36.50 would go into effect.
Since the details of the rule have already been presented to you, I want to focus on

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the purpose of the rule change and provide some context for the rule itself. Let's look back to the last time this rule was changed for a minor source fee adjustment. So, back in 2008, which was 15 years ago, the minor source fee was raised by 46.7 percent, from $17.12 to what it's now at, $25.12, and ever since then it has remained stagnant. This fee rate is no longer representative of current minor source functions in Oklahoma. Revenue generated by this fee rate has not kept up with the rising number of minor facilities, the associated workload, nor has it kept up with inflation.
This graph pictured here was pulled from the Bureau of Labor Statistics and it shows the CPI going back to 2008. And not only do you see that the CPI has been increasing since 2008, but the last few years it's been increasing at a higher rate.
Now, looking around us, we can see how different states bill their emissions and you can see the existing and proposed fee rates are here in blue and green, and even though it can be difficult to compare fee rates between states because each state, you know, has a different

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program, they'll either use the same fee across the board, bill by pollutant type, or not bill minor source facilities at all.

But even with our proposed increase, Oklahoma would continue to have one of the lowest minor source fee rates compared to our neighboring states. Additionally, our emission billing threshold of 5 tons per company excludes many smaller operations from these fee requirements.

As you heard in December, the increased fee would generate approximately $1.5 million in additional revenue for the first year the rule would begin affecting invoices. This is the estimated minimum amount needed to fund 14 full-time positions in the Air Quality Division, or AQD, many of which have either been lost over the years, not been filled due to budgetary shortfalls, or are needed for new programs that benefit minor facilities.

Council Members, you'll see in your folder that we have provided a copy of the AQD organization chart, and this shows all of our filled and vacant positions. The highlighted sections represent the vacant full-time employees, or FTEs, whose responsibilities include what's listed here

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and a breakdown of those responsibilities up here on the slide.

So there are -- the green highlights are the funded vacant positions, and these are ones that we are actively trying to fill, and then the reddish-pink highlighted positions are those that are lost, vacant positions which we are looking to get back and eventually fill with this additional revenue.

As you can see, this represents 11 unfunded FTEs, six of which are permit engineers. And not only do we need to recoup these previously lost positions, but now we have new unfunded required programs that necessitate additional staff. For the audit program, we will need to hire two environmental programs specialists, or EPSs, and one manager, which means three new FTEs on top of the existing 11, and that's how we get the 14 total unfunded FTEs.

As our budget has gotten tighter and tighter, we have looked for any money-saving opportunities and taken full advantage of the funds that we do have. We have exhausted every other option before looking to this rule and proposing a fee increase, which is a decision not taken lightly.

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In conclusion, the fee adjustment is a long time coming. We are being hit by inflation on different fronts like everyone else, but since this has been put off for so long, we are at a significant disadvantage. AQD has recognized this need for a while and mentioned this many times in past council meetings and reports. Without this generated revenue, we will start to see some negative changes and further loss of funded positions. And thus, staff requests the council recommend these proposed rule changes to the EQB for adoption as a permanent rule. Thank you.

MS. BOTCHLET-SMITH: Do we have any questions or discussion from the council?

CHAIRWOMAN LODES: I saw no further comment in our packet and such. We didn't receive any further comment from the public; did we?

MS. HAGENS: No written comments.

MS. BOTCHLET-SMITH: We have a couple from the public that would like to comment, if we want to move to that, and then the council will have another opportunity. Mike Smith from Devon?

MR. SMITH: My name is Mike Smith with Devon Energy, I'm a Senior Policy Advisor. Devon Energy understands the need for adequately funded

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and staffed agencies and supports the proposed changes to OAC 252, Chapter 100, Subchapter 5. Thank you.

MS. BOTCHLET-SMITH: Will Houser?

MR. HOUSER: Hello, thanks for letting us comment today. I am the Director of Regulatory Affairs for Continental Resources and just would actually echo what Mike said, that we support this fee increase.

And, you know, don't take that lightly, it's not an easy thing for us to ever get on board with a fee increase, but we understand the value of this and we actually think it's a pretty common-sense thing to do, so, thank you.

MS. BOTCHLET-SMITH: Is there anyone else in the audience that would like to comment today?

Okay. Seeing none, I'll give the opportunity for the council.

CHAIRWOMAN LODES: No questions or comments?

Hearing no further questions or comments from the council or the public, the Air Quality Division has proposed that we pass the rule as proposed in these minutes. Do I have a motion?

MR. ELLIOTT: Make a motion to approve the

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rules as presented.
CHAIRWOMAN LODES: Thank you.
Do I have a second?
MR. TAYLOR: Second.
CHAIRWOMAN LODES: I have a motion and a second, please call roll.
MS. FIELDS: Mr. Caves?
MR. CAVES: Yes.
MS. FIELDS: Dr. Delano?
DR. DELANO: Yes.
MS. FIELDS: Mr. Elliott?
MR. ELLIOTT: Yes.
MS. FIELDS: Mr. Keele?
VICE-CHAIRMAN KEELE: Yes.
MS. FIELDS: Mr. Landers?
MR. LANDERS: Yes.
MS. FIELDS: Mr. Privrat?
MR. PRIVRAT: Yes.
MS. FIELDS: Mr. Taylor?
MR. TAYLOR: Yes.
MS. FIELDS: Ms. Lodes?
CHAIRWOMAN LODES: Yes.
MS. FIELDS: Motion passed.
MS. STEGMANN: Thank you.
MS. BOTCHLET-SMITH: The next item on

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today's Agenda is Item 5B. This is Chapter 100, Air Pollution Control; Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program; several sections here, 252:100-49-1, 252:100-49-3, 252:100-49-5, and 252:100-49-7.
Mr. Brooks Kirlin, one of our engineers, will give the presentation today.
MR. KIRLIN: Thank you, Bev.
Madam Chair, Members of the Council, Ladies and Gentlemen, I'm Brooks Kirlin, as she said, an engineer with the Rules & Planning Section. The Department is proposing to amend Chapter 100 by adding a new Subchapter 49. As you may recall, we presented a brief overview of the new "Oklahoma Emissions Reduction Technology Rebate Program" and proposed implementation rules during the December special Air Quality Advisory Council meeting.
This new program was created during the 2022 legislative session as an incentive to Oklahoma's oil and gas industry to apply new and innovative technologies to reduce emissions from various segments of the industry.
The "Oklahoma Emissions Reduction Technology Incentive Act", effective July 1, 2022, is codified in the Oklahoma Tax Code, Title 68 of

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the Oklahoma Statutes, and you might note that a copy of the statute is included in the packet.
The act is intended to provide an incentive for "Emission Reduction Projects", in the form of a rebate of up to 25 percent of the documented costs associated with the project. The program is to be administered jointly by DEQ and the Oklahoma Tax Commission. Claims are submitted to DEQ for review and approval or disapproval. We notify OTC of our decision and they pay claims proportionately from funds available in the Revolving Fund.
The statute specifically authorizes DEQ and the Tax Commission to promulgate rules to implement the program. AQD staff prepared a new Subchapter 49 in Chapter 100 to accommodate the Rebate Program. Our understanding is that OTC does not intend to promulgate rules specific to this program.
The proposed Subchapter 49 in your council packet is the version posted for public review on our website on December 1, 2022, and the language is identical to the proposal presented at the December special AQAC meeting. Today's folder contains an updated version of the Subchapter 49

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proposal, dated December 20th, which includes one substantive change made in response to comments and discussion at the December meeting. A copy of this "as presented" version was posted on our website Monday afternoon.
I will briefly go through the three main sections that cover the program requirements: Purpose & Applicability, Definitions, and a Program Criteria and Qualification Determination section. And I will point out the change in today's proposal, which is outlined in our Summary of Comments and Staff Responses that is also included in your packet.
Besides summarizing the purpose and statutory basis for the rebate program, Section 49-1 lays out our understanding of the scope of facilities that the program applies to. Subsection (b) lists the activities included in the statutory language and lists corresponding Standard Industrial Classification or SIC codes.
Proposed Section 49-3 is our Definitions section. So, Section 49-3 defers to the statutory definition of "Emissions Reduction Project". Title 68, Section 55008 describes the types of facilities and activities eligible for the

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program, shown here on the left side, and the types of projects that reduce emissions, shown on the right side.

The proposed 49-3 also states that for the purposes of this subchapter, eligible "Emission Reduction Projects" do not include projects that are required in order to address enforcement action or are undertaken as a "supplemental environmental project" to offset an enforcement penalty.

The remaining definitions in proposed Section 49-3 are just a few basic terms related to the program.

Section 49-5 lays out the program criteria and the qualification determination requirements, what information is required and the steps DEQ will take in implementing the program.

To be eligible for the rebate, the applicant must submit a claim with documentation to DEQ no later than six months after the end of the fiscal year in which the expenditures were made, that is, by December 31st. The documentation must adequately describe the project, include an estimate of actual resulting emission reductions, and an itemization of expenses, with invoices, of equipment

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installed. We would also require a statement that the project implementation is complete. A rebate claim may be submitted anytime after the project is complete, up to that December 31st deadline.

You may note that today's proposal contains a change to language in one of the items under Paragraph (3) of Subsection (a), the project documentation.

This change is part of our response to comments from The Petroleum Alliance of Oklahoma regarding a Professional Engineer certification requirement that was included in Paragraph 8 of Subsection (a) of the previous version. A copy of the comment is in the council packet. AQD staff considered those comments and discussions at the December council meeting and developed the updated proposal as we are presenting today.

We had included the PE certification requirement in our December meeting proposal because the complexity, volume, and time sensitivity of rebate claims have the potential to overwhelm AQD's engineering staff resources. The Petroleum Alliance requested that the proposed rule be amended to allow the engineering certification to be performed by "an in-house engineer with relevant expertise". AQD

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staff recognizes their concern over a potential shortage of Oklahoma-licensed PEs with the required specific expertise, particularly for oil and gas companies that are headquartered outside of Oklahoma. Our staff was concerned, however, over how the requested flexibility would line up with Oklahoma's PE Board requirements. Today's proposal would remove Paragraph 8, the PE Certification Requirement, and renumber Paragraphs 9 and 10 accordingly.

A portion of the previous wording from Paragraph 8 would be added to Subparagraph (3)(C). As a result, the DEQ's review of the rebate claim would rely on the responsible official's overall certification to assure that the project was designed, installed, and operated appropriately.

Continuing with Paragraph (a)(4) of Section 49-5, consistent with the regulatory language, the documentation must state the amount of expenditures made in this state that are directly related to the implementation of the qualified Emission Reduction Project.

Paragraphs 5 through 8 would require several certifications: Paragraph 5 is certify that the project is not required to address the

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enforcement action, or undertaken as a supplemental environmental project to offset an enforcement penalty; Paragraph 6 is to provide a certification from Tax Commission that it has filed all required Oklahoma tax returns and tax documents; Paragraph 7 would require the company to provide evidence of a certificate of general liability insurance with a minimum coverage of $1 million and a workers' compensation policy that includes coverage of the employer's liability. The tax, liability insurance, and workers' comp provisions in Paragraphs 6 and 7 are all specifically required by the act. And, finally, Paragraph 8 is our normal certification by a designated responsible official attesting to the truth, accuracy, and completeness of the claim.

In Paragraph 100-49-5(a)(9), the proposal includes a $1,000 fee to help offset costs for DEQ to administer the review of a rebate claim under this rule. The program will represent an increased workload for AQD staff which is distinct from the duties supported by the existing Air Quality permit application and annual operating fees. Since no legislative appropriations or other funding sources have been provided for DEQ's responsibilities under the rebate program, DEQ

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believes the fee proposal is the most appropriate option.

Next, Subsection 100-49-5(b), the statute requires DEQ to approve or disapprove each rebate claim and to notify the Tax Commission, and of course we also intend to notify the claimant.

And 49-5(c) simply states that, "Nothing in this section shall limit or otherwise affect OTC's authority or responsibilities under the Act, including the authority to request submittal of additional information by the claimant".

And, finally, proposed Section 49-7 is a sunset provision, reflecting Section 55012 of the act. Titled "Termination Date of Rebate Program", that section states that "The Oklahoma Emission Reduction Technology Rebate Program shall cease on July 1, 2027". Section 49-7 is written to make our corresponding rules no longer effective after that date, unless the program is extended by a change in the statute.

You may recall that during December's special council meeting, some of the discussions centered on the timing of rebate claim reviews and distribution, considering both the current lack of funding in the Revolving Fund and the sunsetting

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provisions. After further staff discussions, AQD believes it would be most appropriate to review claims as anticipated in the statutes, regardless of available funds, and pass our decision over to OTC. It is our understanding that stakeholders are working to secure initial and ongoing funding and perhaps clarification of legislative intent regarding the sunset provision.

Notice of the proposed rule changes was published in the Oklahoma Register on December 1, 2022, and comments were requested from members of the public. This is the second time this proposal has been presented to the council for consideration. As described in the Summary of Comments and Staff Responses, comments on the proposal were received prior to and during the December AQAC meeting. No additional comments have been received during the current comment period.

Staff is requesting that the council recommend the rule to the Environmental Quality Board for adoption as permanent rules. The next EQB meeting is scheduled for February 17, 2023. Staff believes that it is important to move a proposal forward, since the program is technically in effect. We expect to have forms available on the AQD website

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by the expected effective date of the rules in September so that we can begin receiving rebate claims for Fiscal Year 2023 before the first December 31st deadline.

And that is my presentation. Thank you, and are there any questions?

MS. BOTCHLET-SMITH: Do we have questions from the council?

Okay. I have one comment from the public. Stacey Murphy? Sorry, Murray. Sorry.

MS. MURRAY: Good morning. My name's Stacey Murray, I'm the Evironmental Manager at WEBCO Industries. We are a heavy metal manufacturing facility located in Northeast Oklahoma, we also have locations across the nation. We're a main supplier of the upstream industry, we produce downhole and umbilical products to a lot of oil and gas companies doing offshore drilling.

My question today is, would this tax reduction incentive be expanded possibly to those that supply the upstream and midstream industry?

CHAIRWOMAN LODES: Say, probably Brooks or -- who's the right one to answer that question on -- yeah, it's really a legislative question. The rule as it's written today is very specific to a group of

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SIC codes, is my understanding of it.

MS. STEGMANN: There would need to be a legislative change.

CHAIRWOMAN LODES: There would need to be a legislative change before it could come down to the DEQ Division.

Thank you.

MS. BOTCHLET-SMITH: Do we have anyone else from the public? Or, I'm sorry, Brooks.

MR. KIRLIN: Yeah, I just would -- I guess I need to make sure to point out that the statute lists the types of facilities and types of activities, it doesn't specifically list SIC codes.

MS. BOTCHLET-SMITH: Okay.

MR. KIRLIN: So, I mean, we'd have to double-check the language and if it's not included then it would -- again, like you say, it would have to be a legislative issue.

MS. BOTCHLET-SMITH: Okay. Is there anyone else from the public that wants to speak?

Seeing no hands, I put this back to the council for any further discussion.

CHAIRWOMAN LODES: Is there any other comments or questions or discussion?

VICE-CHAIRMAN KEELE: Okay. So to her

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point, so the SIC codes aren't listed in the statute. There is a description that we have already evaluated, "we" being the agency, has already evaluated it and surmised that it was the SIC codes or the group; correct?

CHAIRWOMAN LODES: Thank you for sharing your packet. "The Legislature hereby finds that the reduction of emissions from upstream and midstream oil and gas production, exploration, completions, gatherings, storage, processing, and transmission activities", is what it specifically says.

VICE-CHAIRMAN KEELE: That's the statute?

CHAIRWOMAN LODES: That's what the statute says.

VICE-CHAIRMAN KEELE: Fair enough.

CHAIRWOMAN LODES: So I think that correlates to this SIC codes.

Is Bud here? There's Bud.

MS. BOTCHLET-SMITH: I couldn't see him.

CHAIRWOMAN LODES: Bud's hiding.

VICE-CHAIRMAN KEELE: You've been summoned.

CHAIRWOMAN LODES: Say, Bud, you're getting summoned.

VICE-CHAIRMAN KEELE: Better than a

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subpoena.

MR. GROUND: Good morning.

CHAIRWOMAN LODES: So you worked more with the legislature.

MR. GROUND: Yes, and I represent The Petroleum Alliance, Bud Ground, and not that I really worked on this legislation, it really just kind of appeared and passed and we got very little say in how it was changed, but I have worked quite a bit on it since then.

And it was very specific to emission reduction and they wanted it to be innovative-type emission reduction, not just your standard, you know, add-on piece of equipment. That was the intent, but it does apply to, basically, any and all for those types -- that industry, which, like I said in December, right now it does not include refineries. So it's not complete upstream, midstream, downstream, it's really upstream, midstream, and it will apply at a time where there's going to be a lot of emission reductions for both of those, the upstream and midstream, for the methane.

Did you have another question? Well, and I did say that we will be working on this, this session, to make sure there is funding, increase

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that funding, and add refineries. Now, to go to another industry, that might be more difficult, and I will have to talk to her and find out what she -- what they have in mind at WEBCO, but --

MS. STEGMANN: But at this time, that wasn't the intent of the statute to include those services?

MR. GROUND: It was not, it was -- like, it was for incenting the oil and gas industry to --

(A short disruption occurred.)

MR. GROUND: Was there another question? I apologize.

CHAIRWOMAN LODES: I don't believe so.

VICE-CHAIRMAN KEELE: Thank you.

MR. GROUND: Okay. Thank you.

CHAIRWOMAN LODES: Thank you.

MS. STEGMANN: Thanks, Bud.

MS. BOTCHLET-SMITH: Okay. Hopefully, that answered some questions. Are there any other questions from the council?

Hearing none, Laura.

CHAIRWOMAN LODES: Hearing no other questions from the council, the agency has requested that we approve the rule as presented. Do I have a motion?

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MR. CAVES: I'll make the motion.

CHAIRWOMAN LODES: Do I have a second?

DR. DELANO: I second.

CHAIRWOMAN LODES: I have a motion and a second, please call the roll.

MS. FIELDS: Mr. Caves?

MR. CAVES: Yes.

MS. FIELDS: Dr. Delano?

DR. DELANO: Yes.

MS. FIELDS: Mr. Elliott?

MR. ELLIOTT: Yes.

MS. FIELDS: Mr. Keele?

VICE-CHAIRMAN KEELE: Yes.

MS. FIELDS: Mr. Landers?

MR. LANDERS: Yes.

MS. FIELDS: Mr. Privrat?

MR. PRIVRAT: Yes.

MS. FIELDS: Mr. Taylor?

MR. TAYLOR: Yes.

MS. FIELDS: Ms. Lodes?

CHAIRWOMAN LODES: Yes.

MS. FIELDS: Motion passed.

MS. BOTCHLET-SMITH: That concludes the hearing portion of today's meeting.

(HEARING ADJOURNED AT 9:37 AM)

CERTIFICATE

I, Jenny Longley, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing hearing was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of January, 2023.

Jenny Longley, CSR
CSR # 1903

OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY ADVISORY COUNCIL

Attendance Record
January 11, 2023
Oklahoma City, Oklahoma

NAME and/or AFFILIATION	Address and/or Phone and/or E-Mail
MELANIE FOSTER	DEQ-AQD
Christina Hagens	AQD
Josh Reinhardt	Trinity Consultants 580.334.1288
Kendal Stegmann	
Cheryl Bradley	AQD
Jeff Taylor	AQD
Jared Milacek	AQD
Jenny Longley	Professional Reporters
Greg Elliott	AQAC
Jeremy Jewell	Trinity Consultants
Beverly Botchlet-Smith	DEQ
Bud Ground	The Petroleum Alliance
Michael Bobo	Continental
Will Houser	FLR
Matt Caves	~~AQ~~ AC
Travis Couch	DEQ
Kathy Aebischer	DEQ
Malcolm Zachariah	DEQ
Brooks Kirlin	DEQ
Quiana Fields	DEQ
Carrie Schroeder	DEQ-AQD
Camas Frh	DEQ
Ford Benham	OG&E
Jeff Everett	OG&E
Steve Landers	G-P
Mike Smith DUN	DUN

OKLAHOMA
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Attendance Record
January 11, 2023
Oklahoma City, Oklahoma

NAME and/or AFFILIATION	Address and/or Phone and/or E-Mail
Bob Delano	
John Prunty	AQAC
Michael Ketcham	AQD
Randall Ward	Public
Gary Reed	McAfee & Taft
Rick Groestenc	DEQ
Brian McQuown	OGE
Teresa Sikorski	DEQ
Austin Sides	DEQ
ERIN Hatfield	DEQ
Michelle Wynn	DEQ
Rebecca Vaughan	Webco Industries
Lauren Braxum	Webco
James Abraham	Webco
Clark Wilson	WEBCO
STACEY MURRAY	WEBCO
Laura Finley	WFEC
Rob Singletary	DEQ
Joe Daniel	DEQ

Scott A. Thompson
Executive Director

OKLAHOMA Environmental Quality

Kevin Stitt
Governor

MEMORANDUM

DATE: September 20, 2023

TO: Members of the Air Quality Advisory Council KS

FROM: Kendal Stegmann, Director
Air Quality Division

SUBJECT: CY2024 Air Quality Advisory Council Meeting Schedule

Suggested Council meeting dates for calendar year 2024 are listed below. You will be asked to approve or amend the schedule at the October 4, 2023 meeting.

Staff suggestions are:

Wednesday, January 10, 2024 (inclement weather date January 17) – Oklahoma City
Wednesday, June 5, 2024 – Tulsa/Owasso
Wednesday, October 2, 2024 – Oklahoma City

The proposed dates for Environmental Quality Board meetings in 2024 are as follows:

Tuesday, February 13, 2024 – Oklahoma City, OK
Tuesday, June 11, 2024 – Oklahoma City, OK
Wednesday, September 11, 2024 – Durant, OK
Thursday, November 7, 2024 – Enid, OK

KS/gg

Scott A. Thompson
Executive Director

OKLAHOMA Environmental Quality

Kevin Stitt
Governor

MEMORANDUM

DATE: September 20, 2023

TO: Members of the Air Quality Advisory Council KS

FROM: Kendal Stegmann, Director
Air Quality Division

SUBJECT: Proposed Rule Cleanup in OAC 252:100-17-93, -17-103, -23-3, and -35-1

The Department of Environmental Quality (DEQ) is proposing to make revisions in Subchapters 17, 23, and 35 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. Corrections that could be easily addressed were selected for revision at the June AQAC meeting. They are:

1. OAC 252:100-17-93: DEQ is proposing to revise OAC 252:100-17-93(13) and (16) to correct typographical errors in two citations.

2. OAC 252:100-17-103: DEQ is proposing to revise OAC 252:100-17-103 to correct the referenced citation.

3. OAC 252:100-23-3: DEQ is proposing to revise OAC 252:100-23-3(a) and (b)(2) to correct the referenced citations.

4. OAC 252:100-35-1: DEQ is proposing to correct the reference to the air quality standard in OAC 252:100-35-1.

The underlying reason for the rulemaking is to revise inaccurate rule language.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 1, 2023. The notice requested written comments from the public and other interested parties. No new comments have been received as of September 20, 2023. EPA did comment on the proposed rule during the June AQAC public comment period. Copies of the proposed rules are enclosed along with a copy of the Rule Impact Statement and a Summary of Comments and Staff Responses.

At the October meeting, staff will ask the Council to recommend the proposed rule changes as a single rulemaking package to the Environmental Quality Board for adoption as permanent rules.

Enclosures: Proposed Amendments to OAC 252:100-17-93(13) and (16), -17-103, -23-3(a) and (b)(2), and -35-1.
Rule Impact Statement
Summary of Comments and Staff Responses

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

SUBCHAPTER 17. INCINERATORS

252:100-17-93. Exemptions

This Part does not apply to the types of units described in OAC 252:100-17-93(1) through (16) if the owner or operator meets the requirements of this Section.

(1) **Cement kilns.** The unit is excluded if it is regulated under 40 CFR 63, subpart LLL (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry).

(2) **Co-fired combustors.** The unit, that would otherwise be considered a very small municipal waste combustion unit, is excluded if the owner or operator of the unit meets the five requirements specified in OAC 252:100-17-93(2)(A) through (E).

(A) Has a Federally enforceable permit limiting the combustion of municipal solid waste to 30% of the total fuel input by weight.

(B) Notifies the Director that the unit qualifies for the exclusion.

(C) Provides the Administrator with a copy of the federally enforceable permit.

(D) Records the weights, each calendar quarter, of municipal solid waste and of all other fuels combusted.

(E) Keeps each report for 5 years. These records must be kept on site for at least 2 years, but may be kept off site for the remaining 3 years.

(3) **Cogeneration facilities.** The unit is excluded if it meets the three requirements specified in OAC 252:100-17-93(3)(A) through (C).

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator of the unit notifies the Director that the unit meets all of these criteria.

(4) **Commercial and industrial solid waste incineration units.** The unit is excluded if it is regulated under 40 CFR 60, subparts CCCC or DDDD or 40 CFR 62, subpart III and is required to meet the emission limitations established in those subparts.

(5) **Hazardous waste combustion units.** The unit is excluded if it meets either of the two criteria specified OAC 252:100-17-93(5)(A) or (B).

(A) The owner/operator of the unit is required to get a permit for the unit under section 3005 of the Solid Waste Disposal Act.

(B) The unit is regulated under 40 CFR part 63, subpart EEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).

(6) **Hospital/medical/infectious waste incinerators.** The unit is excluded if it is regulated under 40 CFR 60, subparts Ce or Ec (New Source Performance Standards and Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators) or 40 CFR 62, subpart HHH (Federal Plan for Hospital/Medical/ Infectious Waste Incinerators constructed on or before June 20, 1996).

(7) **Rural institutional waste incinerators.** The incineration unit is excluded if it is an institutional waste incinerator, as defined in OAC 252:100-17-91, and the application for exclusion described in OAC 252:100-17-93(7)(A) and (B) has been approved by the Director.

(A) Prior to 1 year before the final compliance date, an application and supporting documentation demonstrating that the institutional waste incineration unit meets the two requirements specified in OAC 252:100-17-93(7)(A)(i) and (ii) must be submitted to the Director for approval.

(i) The unit is located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area,

(ii) Alternative disposal options are not available or are economically infeasible.

(B) The application described in OAC 252:100-17-93(7)(A) must be revised and resubmitted to the Director for approval every 5 years following the initial approval of the exclusion for the unit.

(C) If the owner or operator re-applied for an exclusion pursuant to OAC 252:100-17-93(7)(B) and was denied exclusion by the Director, the owner or operator has 3 years from the expiration date of the current exclusion to comply with the emission limits and all other applicable requirements of this subpart.

(8) **Institutional boilers and process heaters.** The unit is excluded if it is regulated under 40 CFR part 63, subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters).

(9) **Laboratory Analysis Units.** The unit is excluded if it burns samples of materials only for the purpose of chemical or physical analysis.

(10) **Materials recovery units.** The unit is excluded if it combusts waste for the primary purpose of recovering metals. Examples include primary and secondary smelters.

(11) **Pathological waste incineration units.** The institutional waste incineration unit or very small municipal waste combustion unit is excluded from this subpart if it burns 90% or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in OAC 252:100-17-91 and the owner or operator of the unit notifies the Director that the unit meets these criteria.

(12) **Small or large municipal waste combustion units.** The unit is excluded if it is regulated under 40 CFR 60, AAAA, BBBB, Ea, Eb, or Cb, 40 CFR 62, subparts FFF or JJJ and is required to meet the emission limitations established in those subparts.

(13) **Small power production facilities.** The unit is excluded if it meets the three requirements specified in ~~OAC 252:100-93(13)(A)~~OAC 252:100-17-93(13)(A) through (C).

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator of the unit notifies the Director that the unit meets all of these criteria.

(14) **Temporary-use incinerators and air curtain incinerators used in disaster recovery.** The incineration unit is excluded if it is used on a temporary basis to combust debris from a disaster or emergency such as a tornado, hurricane, flood, ice storm, high winds, or act of bioterrorism and complies with the requirements in 40 CFR 60.2969.

(15) **Units that combust contraband or prohibited goods.** The incineration unit is excluded if the unit is owned or operated by a government agency such as police, customs, agricultural inspection, or a similar agency to destroy only illegal or prohibited goods such as illegal drugs, or agricultural food products that can not be transported into the country or across state lines to prevent biocontamination. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities.

(16) **Incinerators used for national security.** The incineration unit is excluded if it meets the requirements specified in either ~~OAC 252:100-17-93(A)~~OAC 252:100-17-93(16)(A) or (B).

(A) The incineration unit is used solely during military training field exercises to destroy national security materials integral to the field exercises.

(B) The incineration unit is used solely to incinerate national security materials, its use is necessary to safeguard national security, the owner or operator follows the exclusion request requirements in OAC 252:100-17-93(16)(B)(i) and (ii), and the Director has approved the request for exclusion.

(i) The request for exclusion and supporting documentation must demonstrate both that the incineration unit is used solely to destroy national security materials and that a reliable alternative to incineration that ensures acceptable destruction of national security materials is unavailable, on either a permanent or temporary basis.

(ii) The request for exclusion must be submitted to the Director prior to 1 year before the final compliance date.

252:100-17-103. Part 70 permits

The owner or operator of an OSWI that does not meet requirements for exemption as listed in ~~252:100-17-92~~OAC 252:100-17-93 must submit to the Director a complete application for a Part 70 operating permit on or before December 1, 2008.

SUBCHAPTER 23. CONTROL OF EMISSIONS FROM COTTON GINS

252:100-23-3. Applicability, general requirements

(a) **Applicability.** Effective May 1, 1993, the provisions of this Subchapter are applicable to all new, modified, and existing cotton gins operating in the State of Oklahoma. Cotton gins in compliance with this Subchapter are exempt from the requirements of OAC 252:100-25, 252:100-19-12, and 252:100-29.

(b) **General requirements.**

(1) **Permits required.** In addition to the requirements of this Subchapter, each new or modified cotton gin shall comply with the permitting requirements of OAC 252:100-7.

(2) **Air toxics emissions.** The requirements of this Subchapter are in addition to any which may be required under ~~252:100-41~~OAC 252:100-42.

(3) **Recordkeeping.** The owner or operator of a cotton gin shall maintain a log documenting the daily process weight and hours of operation. Air emission control equipment replacement/repair costs shall also be recorded. These records shall be maintained for a period of two years and shall be made available for inspection by DEQ personnel during normal business hours.

(4) **Test methods.**

(A) Visible emissions testing shall be conducted using EPA reference method 9 contained in 40 CFR Part 60, Appendix A. Testing shall be performed by a Certified Visible Emissions Evaluator.
(B) Dispersion modeling for PM-10 shall be performed using an EPA approved modeling method.

SUBCHAPTER 35. CONTROL OF EMISSION OF CARBON MONOXIDE

252:100-35-1. Purpose

The purpose of this Subchapter is to control emissions of carbon monoxide from stationary sources to prevent the ~~Oklahoma~~Ambient Air Quality Standard from being exceeded and ensure that the present level of air quality in Oklahoma is not degraded.

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

Before the Air Quality Advisory Council on October 4, 2023
Before the Environmental Quality Board on November 7, 2023

RULE IMPACT STATEMENT

Subchapter 17. Incinerators
Part 11. Other Solid Waste Incineration Units
252:100-17-93 Exemptions [AMENDED]
252:100-17-103 Part 70 permits [AMENDED]
Subchapter 23. Control of Emissions From Cotton Gins
252:100-23-3 Applicability, general requirements [AMENDED]
Subchapter 35. Control of Emission of Carbon Monoxide
252:100-35-1 Purpose [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to make revisions in Subchapters 17, 23, and 35 as part of the Department's review of Chapter 100 in response to Governor Stitt's Executive Order 2020-03. The Department is proposing to correct typographical errors in citations found in OAC 252:100-17-93, OAC 252:100-17-103, and OAC 252:100-23-3. In addition, the Department is proposing to correct the reference to the air quality standard in OAC 252:100-35-1. The gist of this rule proposal and the underlying reason for the rulemaking is to revise inaccurate rule language.

CLASSES OF PERSONS AFFECTED: Classes of persons affected are the owners and operators of facilities that are subject to the requirements in OAC 252:100-17, -23, and -35.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The owners and operators of facilities that are subject to the requirements in OAC 252:100-17, -23, and -35 will bear the costs.

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

CLASSES OF PERSONS BENEFITTED: The proposed amendments will benefit the owners and operators of the facilities subject to these regulations by revising outdated language and/or providing regulatory clarity.

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

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

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

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

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

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

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

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

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

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The proposed amendments are intended to minimize compliance costs by correcting inaccurate rule citations and adding regulatory clarity.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: The Department is not aware of any less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rules.

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

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

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: If the proposed rules are not implemented, the Department does not anticipate any detrimental effect on the public health, safety, and the environment.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): There will be minimal impact on business entities since the proposed amendments are removing outdated requirements and/or adding regulatory clarity.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: May 3, 2023
MODIFIED ON: September 1, 2023

SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO
CHAPTER 100. AIR POLLUTION CONTROL, SUBCHAPTERS 17, 23, AND 35

COMMENTS RECEIVED PRIOR TO THE CANCELLED *JUNE 21, 2023*
AND PRIOR TO AND DURING THE *OCTOBER 4, 2023*
AIR QUALITY ADVISORY COUNCIL MEETING

Written Comments

Carrie Paige – **Environmental Protection Agency (EPA) Region 6** – Submitted via email on June 7, 2023.

1. **COMMENT:** Ms. Paige stated that EPA Region 6 has no comments on the proposed revisions to Subchapter 17 since the affected provisions are not currently in the Oklahoma State Implementation Plan (SIP). Similarly, the change to OAC 252:100-23-3(b)(2) is also not in Oklahoma's SIP and EPA has no comments. OAC 252:100-23-3(a) is in the SIP, and Ms. Paige stated that EPA has no adverse comments regarding the proposed revisions. Likewise, EPA has no adverse comments to the proposed changes in Subchapter 35.

   RESPONSE: The Department appreciates EPA's review of the proposed rule revisions.

Scott A. Thompson
Executive Director

OKLAHOMA Environmental Quality

Kevin Stitt
Governor

MEMORANDUM

DATE: September 20, 2023

TO: Members of the Air Quality Advisory Council KS

FROM: Kendal Stegmann, Director
Air Quality Division

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

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

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

This update incorporates those federal regulations currently listed in Appendix Q, including any amendments, as they existed on June 30, 2023. Three additions are proposed to be added to Part 60 in Appendix Q this year: Subparts KKa, MMa, and TTTa. A list of the subparts that have been added or amended by EPA (and are listed in Appendix Q), is attached.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 1, 2023. The notice requested written comments from the public and other interested parties. No comments have been received as of September 20, 2023. At the October meeting, staff will ask the Council to recommend the proposed rule changes to the Environmental Quality Board for adoption as permanent rules.

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

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

SUBCHAPTER 2. INCORPORATION BY REFERENCE

252:100-2-3. Incorporation by reference

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on ~~June 30, 2022~~June 30, 2023.

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

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

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

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

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

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

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

APPENDIX Q. INCORPORATION BY REFERENCE [REVOKED]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on June 30, 2022, unless otherwise noted.

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

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

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

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

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

PART	SUBPART	DESCRIPTION
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for SO_2 Emissions From Onshore Natural Gas Processing: SO_2 Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001

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

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

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

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

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

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

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

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

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

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

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

APPENDIX Q. INCORPORATION BY REFERENCE [NEW]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on June 30, 2023, unless otherwise noted.

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

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

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

PART	SUBPART	DESCRIPTION
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022
60	KKa	Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022
60	LL	Standards of Performance for Metallic Mineral Processing Plants
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022
60	MMa	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022
60	NN	Standards of Performance for Phosphate Rock Plants

PART	SUBPART	DESCRIPTION
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry
60	XX	Standards of Performance for Bulk Gasoline Terminals
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006

PART	SUBPART	DESCRIPTION
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
60	JJJ	Standards of Performance for Petroleum Dry Cleaners
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for SO_2 Emissions From Onshore Natural Gas Processing: SO_2 Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	TTTa	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries

PART	SUBPART	DESCRIPTION
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015

PART	SUBPART	DESCRIPTION
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major

PART	SUBPART	DESCRIPTION
		Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
63	I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

PART	SUBPART	DESCRIPTION
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources

PART	SUBPART	DESCRIPTION
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

PART	SUBPART	DESCRIPTION
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

PART	SUBPART	DESCRIPTION
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

PART	SUBPART	DESCRIPTION
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

PART	SUBPART	DESCRIPTION
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources

PART	SUBPART	DESCRIPTION
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories

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

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

Before the Air Quality Advisory Council on October 4, 2023
Before the Environmental Quality Board on November 7, 2023

RULE IMPACT STATEMENT

Subchapter 2. Incorporation By Reference
252:100-2-3 Incorporation by reference [AMENDED]
APPENDIX Q. Incorporation By Reference [REVOKED]
APPENDIX Q. Incorporation By Reference [NEW]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 61 and 63, and New Source Performance Standards (NSPS) in 40 C.F.R. Part 60. EPA has promulgated three new subparts this year that DEQ is now proposing to incorporate into Appendix Q: Part 60, Subpart KKa, which is entitled "Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022"; Part 60, Subpart MMa, which is entitled "Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022"; and Part 60, Subpart TTTa, which is entitled "Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022." Several other standards have been amended and updated as well. In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of this rule change and the underlying reason for the rulemaking is to incorporate changes the EPA has made to its regulations and ensure that the state's rules are up to date.

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

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

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

CLASSES OF PERSONS BENEFITTED: The citizens of Oklahoma and owners and operators of the facilities subject to these regulations will benefit by the assurance that the most current

regulations available are in place to protect public health and welfare. The owners and operators will benefit from consistency in state and federal rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 1, 2023
MODIFIED ON:

CHANGES TO APPENDIX Q THROUGH JUNE 30, 2023

Amendments to Current Subparts Listed in APPENDIX Q (since July 1, 2022):

Part 60, Subpart KKa - Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022
60.370a—60.375a (Subpart KKa) Added 11583

Part 60, Subpart MMa: Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022
60.390a—60.397a (Subpart MMa) Added 30002

Part 60: Subpart TTTa: Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
60.720a—60.726a (Subpart TTTa) Added 18067

Part 51, Subpart F – Procedural Requirements
51.100 (s)(1) introductory text revised 8233

Part 60, Subpart A – General Provisions
60 Notification 50952
60.17 (h)(196) through (212) redesignated as (h)(197) through (213); new (h)(196) added; (j)(1) revised 11583
60.17 (h)(168) through (213) redesignated as (h)(169) through (214); new (h)(168) added; new (h)(194) revised.....16742
60.17 (h)(96) through (107) redesignated as (h)(97) through (108); (h)(108) through (178) redesignated as (h)(110) through (180); (h)(179) through (214) redesignated as (h)(182) through (217); new (h)(96), new (109), and new (181) added 18065
60.17 (h)(182) and (195) revised; (h)(196) through (217) redesignated as (h)(197) through (218); new (h)(196) added.....18402
60.17 (h)(60) through (171), (172) through (180), (181), (182), (183) through (185), (186) through (218), and (j)(1) through (4) redesignated as (h)(61) through (172), (175) through (183, (184), (186), (187) through (189), (191) through (223), and (j)(2) through (5); (g)(14), new (h)(97), new (110), and new (186) revised; (h)(60), new (173), new (174), new (185), new (190), and new (j)(1) added.....29999
60.17 Correction: (h)(187) and (201) revised; (h)(202) through (222) redesignated as (h)(203) through (223); new (h)(202) added.....34453

Part 60, Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022
60.370—60.374 (Subpart KK) Revised.....11583
60.370 (c) revised 11583

Part 60, Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022
60.390—60.398 (Subpart MM) Heading revised 29999
60.390 (c) revised 29999
60.391 (a) amended.....30000
60.392 Introductory text revised..... 30000
60.393 (c)(2)(ii)(A) revised 30000
60.395 (a)(2), (b), and (c) introductory text revised; (e) and (f) added 30000

Part 60, Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60.720 (b) revised 18065
60.721 (a) amended.....18065
60.723 (b)(2)(i)(C) Table 1 and (iv) amended; (a), (b)(1), (2)(i)(D), and (E) revised.....18065
60.724 (a)(2), (c), and (e) revised; (f) and (g) added 18066
60.725 (b) revised 18067
60.726 (b) revised 18067

Part 60, Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units
60.2125 (g)(2) and (j)(2) revised 16742

Part 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units
60.2690 (g)(2) and (j)(2) revised 16742

Part 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60.4202 (g) introductory text revised.....4471
60.4211 (f) introductory text, (2) introductory text, and (3) introductory text revised; (f)(2)(ii) and (iii) removed.....48605
60.4214 (d) introductory text revised; (d)(1)(v) and (vi) removed.....48606
60.4218 Revised 4471
60.4219 Amended.....48606

Part 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60.4243 (d) introductory text, (2) introductory text, and (3) introductory text revised; (d)(2)(ii) and (iii) removed.....48606
60.4245 (e) introductory text revised; (e)(1)(v) and (vi) removed 48606
60.4246 Revised 4471
60.4248 Amended 48606

Part 60, Appendix A – Test Methods
60 Appendix A-7 amended 16742, 18405
60 Appendix A-1 amended 18403
60 Appendix A-3 amended 18404
60 Appendix A-4 amended 18405
60 Appendix A-8 amended 18406
60 Appendix B amended 18407, 41834

Part 61, Subpart A – General Provisions
61.04 (b)(38) and (c)(6)(iv) revised 43416

Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants for Source Categories
63.14 (h)(103) revised 60840
63.14 (d)(1) revised; (d)(2) added 67804
63.14 (h)(109) and (n)(4) revised; (h)(110) and (n)(3) removed 11589
63.14 (d) through (t) redesignated as (e) through (u); new (d) added; new (i)(103) and new (104) revised 18412

Part 63, Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63.457 (c)(4) revised 18412

Part 63, Subpart LL - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63.849 (a)(13) and (14) revised 16773

Part 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63.1208 (b)(1) revised 16773
63.1200—63.1221 (Subpart EEE) Appendix amended 18412

Part 63, Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63.1625 (b)(10) revised 16773

Part 63, Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63.3360 (e)(1)(vi) introductory text revised 18413

Part 63, Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63.4741 (a)(1)(i) and (4) revised 14287

Part 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63.6585 (f)(1) through (3) revised 48607
63.6590 (b)(1)(i) and (3)(iii) revised 48607
63.6604 (b) revised; (c) removed.....48607
63.6640 (f) introductory text, (2) introductory text, (3), and (4) introductory text revised; (f)(2)(ii) and (iii) removed 48607
63.6650 (h) introductory text revised; (h)(1)(v) and (vi) removed.....48607
63.6655 (f) introductory text revised 48607
63.6675 Amended .48608
63.6580—63.6675 (Subpart ZZZZ) Table 7 revised.....48608
63.6580—63.6675 (Subpart ZZZZ) Table 4 revised 18413

Part 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63.7500 (a) introductory text, (1), (c), and (e) revised 60840
63.7505 (c) revised.....60841
63.7510 (a) introductory text, (b), (c), (f), and (j) revised 60841
63.7515 (b), (c), (e), (g), and (i) revised 60842
63.7520 (d) revised 60842
63.7521 (a) and (c)(1)(ii) revised.....60842
63.7522 (b) introductory text, (d), (e)(1), (2), (h), and (j)(1) revised 60843
63.7525 (a) introductory text, (1), (2) introductory text, (ii), (iv), (vi), (l) introductory text, and (m) introductory text revised 60844
63.7530 (b)(4)(ii)(E), (iii), and (h) revised 60845
63.7533 (a), (e), and (f) revised 60845
63.7540 (a) introductory text, (8) introductory text, (ii), (9), (15) introductory text, (19) introductory text, and (b) revised.....60846
63.7545 (e)(3) revised.....60846
63.7555 (d) introductory text and (5) revised 60846
63.7575 Amended.....60846
63.7480—63.7575 (Subpart DDDDD) Table 1 revised 60847
63.7480—63.7575 (Subpart DDDDD) Table 2 revised 60849
63.7480—63.7575 (Subpart DDDDD) Table 3 amended 60852
63.7480—63.7575 (Subpart DDDDD) Table 4 amended 60853
63.7480—63.7575 (Subpart DDDDD) Table 7 revised 60853
63.7480—63.7575 (Subpart DDDDD) Table 8 amended 60855
63.7480—63.7575 (Subpart DDDDD) Table 11 revised 60855
63.7480—63.7575 (Subpart DDDDD) Table 12 revised 60857
63.7480—63.7575 (Subpart DDDDD) Table 13 revised 60859
63.7480—63.7575 (Subpart DDDDD) Table 14 added 60860
63.7480—63.7575 (Subpart DDDDD) Table 15 added 60863

Part 63, Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation
63.7881 (b)(2) and (3) removed.....78558

63.7882 (d) added 78558
63.7883 (g) added 78558

Par 63, Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63.8005 (a)(1) introductory text, (i), and (d)(i) revised; (a)(1)(iii) and (i) added 10849
63.8075 (d)(1) revised 10849
63.8080 (g) and (i) introductory text revised 10850
63.8105 (g) amended 10850
63.7980—63.8105 (Subpart HHHHH) Table 1 revised 10850

Part 63, Subpart PPPPP - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
63.9306 (d)(2)(iv) revised 18415
63.9322 (a)(1) revised 18415

Part 63, Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units
63.9980—63.10042 (Subpart UUUUU) Table 5 revised 18415
63.9980—63.10042 (Subpart UUUUU) Appendix A amended 18422
63.9980—63.10042 (Subpart UUUUU) Correction: Amended 24339

Part 63, Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63.11169—63.11180 (Subpart HHHHHH) Table 1 revised 67806
63.11170 (a)(2) revised 67804
63.11173 (e)(2)(i) revised; (h) added 67804
63.11175 (c) added 67805
63.11176 (c) through (e) added 67805
63.11180 Amended 67805

Part 63, Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63.11421 Revised and republished 11589
63.11422 Revised 11589
63.11423 Revised and republished 11590
63.11424 Added 11594
63.11425 (a) revised 11595
63.11426 Revised 11595
63.11427 (b) introductory text revised; (b)(5) added 11596
63.11421—63.11427 (Subpart PPPPPP) Table 1 revised; Table 2 and Table 3 added 11596

Part 63, Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63.11428—63.11434 (Subpart QQQQQQ) Table 1 revised 14288

Part 63, Subpart AAAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63.11559—63.11567 (Subpart AAAAAAA) Table 3 amended.....16773