

# **APPENDIX N**

## **Public Hearing Sign-in and Transcript**



**OKLAHOMA  
Environmental  
Quality**

Public Hearing for  
Regional Haze State Implementation Plan  
Planning Period 2

Friday, July 1, 2022  
9:00 AM  
DEQ 2<sup>nd</sup> Floor Training Room

**NAME**

**AFFILIATION**

NAME	AFFILIATION
Jeremy Jewell	Trinity Consultants / Envir Fed. of Ok
MELANTE FOSTER	AQD-DEQ
Malcolm Zachariah	AQD-DEQ
Kendal Stegmann	DEQ
Bud Ground	EFO
Travis Couch	DEQ
Justin Soderberg	WFEC
Laura Finley	WFEC
Beverly Botchlet-Smith	DEQ
Brian McQuown	CSE
Ryan Biggsstaff	DEQ
Madison Miller	DEQ
Jared Milano	AQD
Mike Hixon	OGTE

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PUBLIC HEARING RE: REGIONAL HAZE STATE  
IMPLEMENTATION PLAN FOR THE SECOND PLANNING PERIOD  
AT OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
BEGINNING AT 9:00 AM ON JULY 1, 2022

APPEARANCES

Melanie Foster  
Rules & Planning Section Manager  
Air Quality Division  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Travis Couch  
Supervising Attorney  
Air Quality Division  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

REPORTED BY: Jenny Longley, CSR

<p style="text-align: right;">Page 2</p> <p>1 PROCEEDINGS</p> <p>2 MR. COUCH: Good morning. My name is</p> <p>3 Travis Couch, I'm Supervising Attorney for the Air</p> <p>4 Quality Division. As such, I will serve as protocol</p> <p>5 officer for today's hearing.</p> <p>6 The hearing is being convened by the</p> <p>7 Department of Environmental Quality in compliance</p> <p>8 with Title 40 of the Code of Federal Regulations,</p> <p>9 Part 51, as well as the authority of Title 27A of</p> <p>10 the Oklahoma Statutes, Section 2-5-101 through</p> <p>11 2-5-130.</p> <p>12 Notice for this hearing was sent to</p> <p>13 the Air Quality Division's Public Hearing email</p> <p>14 distribution list via GovDelivery on June 1, 2022,</p> <p>15 as well as posted on DEQ's website. This hearing is</p> <p>16 being conducted for the purpose of receiving</p> <p>17 comments pertaining to the proposed Regional Haze</p> <p>18 State Implementation Plan for the second planning</p> <p>19 period to comply with the requirements contained in</p> <p>20 the federal Clean Air Act and 40 CFR Part 51,</p> <p>21 Subpart P, Protection of Visibility. The proposed</p> <p>22 Regional Haze Plan Revision has been available for</p> <p>23 public review since June 1, 2022.</p> <p>24 The hearing notice stated that</p> <p>25 interested parties could view a non-participatory</p>	<p style="text-align: right;">Page 4</p> <p>1 responses will be included in our SIP document. All</p> <p>2 media inquiries will be referred to the DEQ</p> <p>3 Communication Director at the conclusion of the</p> <p>4 hearing.</p> <p>5 At this time, we will proceed with</p> <p>6 our hearing. Melanie Foster, Rules &amp; Planning</p> <p>7 Section Manager, will give a brief presentation.</p> <p>8 MS. FOSTER: Good morning. My name is</p> <p>9 Melanie Foster and I am the Rules &amp; Planning Section</p> <p>10 Manager in the Air Quality Division of DEQ. I am</p> <p>11 going to give a brief presentation about DEQ's</p> <p>12 Regional Haze State Implementation Plan for the</p> <p>13 Second Planning Period before we begin taking public</p> <p>14 comments. This presentation is also posted on our</p> <p>15 website.</p> <p>16 The Regional Haze Program was</p> <p>17 established by Congress as part of the Clean Air</p> <p>18 Act. Its goal is to restore visibility to natural</p> <p>19 conditions at Class I areas by 2064. Oklahoma is</p> <p>20 required to periodically submit state implementation</p> <p>21 plans, or SIPS, to address visibility at Class I</p> <p>22 areas within and outside the state that may be</p> <p>23 affected by emissions from sources within Oklahoma.</p> <p>24 In each 10-year planning period until 2064, DEQ is</p> <p>25 charged with developing a long-term strategy and a</p>
<p style="text-align: right;">Page 3</p> <p>1 stream of the hearing online. The link to view this</p> <p>2 hearing on Zoom was posted to DEQ's website on</p> <p>3 June 29, 2022. Although virtual observers will not</p> <p>4 be able to make oral comments on the record during</p> <p>5 the hearing today, they are still able to submit</p> <p>6 written comments by emailing</p> <p>7 AQDSIPComments@deq.ok.gov through 4:30 pm today,</p> <p>8 July 1st.</p> <p>9 For the in-person participants, if</p> <p>10 you wish to make a statement during the hearing</p> <p>11 today, it is very important that you complete a form</p> <p>12 at the registration table. You will be called upon</p> <p>13 at the appropriate time to come to the podium and</p> <p>14 make your comment. Please also state, and spell if</p> <p>15 necessary, your name and affiliation for the record</p> <p>16 before beginning your comment. Each commenter will</p> <p>17 have five minutes to provide oral testimony. Your</p> <p>18 comments will be made part of the hearing record and</p> <p>19 considered in developing the agency submission to</p> <p>20 EPA. Commenters are also encouraged to supply a</p> <p>21 written version of their oral comments to DEQ staff</p> <p>22 in hard copy or via email today, if possible.</p> <p>23 Please note that DEQ staff will not</p> <p>24 be providing responses to comments today during the</p> <p>25 hearing. However, all comments and any agency</p>	<p style="text-align: right;">Page 5</p> <p>1 reasonable progress goal to make incremental</p> <p>2 visibility improvement.</p> <p>3 Oklahoma's only Class I area is the</p> <p>4 Wichita Mountains Wilderness Area located in</p> <p>5 Comanche County in Southwest Oklahoma near</p> <p>6 Lawton/Fort Sill.</p> <p>7 Visibility conditions are measured by</p> <p>8 air sample analysis from an Interagency Monitoring</p> <p>9 of Protected Visual Environments, also known as</p> <p>10 IMPROVE, monitor located at the Wichita Mountains</p> <p>11 Wildlife Refuge. These filter samples are taken</p> <p>12 every three days. Analysis of the resulting data is</p> <p>13 used to determine the 20 percent clearest days and</p> <p>14 the 20 percent most impaired days. Further analysis</p> <p>15 of the pollutants found on the 20 percent most</p> <p>16 impaired days reveals a majority contribution from</p> <p>17 particulates of sulfate and nitrate. Anthropogenic,</p> <p>18 or man-made, emissions that correlate to sulfate and</p> <p>19 nitrate particulates are sulfur dioxide and nitrogen</p> <p>20 oxides, respectively.</p> <p>21 As mentioned previously, Oklahoma's</p> <p>22 also required to ensure emissions from sources</p> <p>23 within the state are not impacting visibility in</p> <p>24 nearby states' Class I areas. There are a total of</p> <p>25 five additional Class I areas in three neighboring</p>

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1 states- Arkansas, Missouri, and Texas- that are  
 2 discussed in Oklahoma's Regional Haze SIP as  
 3 possibly being impacted by emissions from Oklahoma  
 4 sources.

5       The Regional Haze Rule and its  
 6 requirements for states can be found in 40 CFR, Part  
 7 51, Subpart P. The first planning period covered  
 8 the years 2010 to 2018 and DEQ submitted its first  
 9 Regional Haze SIP on February 18, 2010. Significant  
 10 visibility improvement was made from the reductions  
 11 achieved directly from the requirements of Planning  
 12 Period 1, namely Best Available Retrofit Technology  
 13 or BART. Other air quality programs such as the  
 14 Cross State Air Pollution Rule, or CSAPR, and the  
 15 CSAPR Update, and additional New Source Performance  
 16 Standards, NSPSs, and even indirectly, National  
 17 Emissions Standards for Hazardous Air Pollutants, or  
 18 NESHAPs, have also contributed to a general decline  
 19 in emissions in Oklahoma during this period, which  
 20 have all helped improve visibility.

21       We are currently in the second  
 22 planning period, which goes from 2018 to 2028. DEQ  
 23 started working on this planning period in 2016 when  
 24 EPA began issuing guidance documents and proposing  
 25 revisions to the Regional Haze Rule. Final changes

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1 to the rule occurred in January 2017. One of the  
 2 most significant changes was to the deadline for  
 3 submittal, which was changed from July 31, 2018 to  
 4 July 31, 2021. There were several other changes  
 5 that are not noted on this slide, but another one we  
 6 wanted to mention was EPA's acknowledgment that  
 7 adjustments could be made for international  
 8 contributions and wildland fires. Consultation has  
 9 always been part of the Regional Haze Rule, but was  
 10 also amended in 2017. Consultation is an important  
 11 part of the process since emissions impacting the  
 12 Wichita Mountains Wilderness Area may be coming from  
 13 sources in Oklahoma as well as from other states.  
 14 Oklahoma consulted with its surrounding states  
 15 primarily through the Regional Planning Organization  
 16 CenSARA or Central States Air Resource Agencies.

17       For the second planning period,  
 18 Oklahoma worked with our neighboring states and  
 19 CenSARA to contract with Ramboll Environ for an Area  
 20 of Influence study. The AOI study helped confirm  
 21 for Oklahoma that sulfur dioxide emissions come from  
 22 fewer sources with larger individual contributions  
 23 whereas nitrogen oxide emissions have more sources  
 24 with smaller individual contributions. Oklahoma  
 25 then applied criteria to the AOI data, as explained

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1 in the proposed Regional Haze SIP, and ultimately  
 2 selected 12 sources within the state for further  
 3 analysis. In addition, we applied the same criteria  
 4 to sources in other states that might be impacting  
 5 the Wichita Mountains Wilderness Area. We sent  
 6 letters to Arkansas, Louisiana, Nebraska, and Texas  
 7 regarding potential sources within their states and  
 8 requested they evaluate these sources as part of our  
 9 consultation process with neighboring states. We  
 10 also received "ask" letters from Arkansas and  
 11 Missouri asking DEQ to evaluate sources.

12       This slide shows a list of the five  
 13 SO2 sources and the seven NOx sources that were  
 14 selected.

15       And here is a map of their locations  
 16 as compared to Oklahoma's Class I area and the Class  
 17 I areas in Arkansas and Missouri. Kind of hard to  
 18 see.

19       Once sources were selected, a  
 20 four-factor analysis was conducted. The four  
 21 factors required in the Regional Haze Rule are: cost  
 22 of compliance, time necessary for compliance, energy  
 23 and non-air quality environmental impacts of  
 24 compliance, and the remaining useful life of the  
 25 source. These factors should all be evaluated when

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1 determining if there are cost-effective controls  
 2 that can be implemented at the identified sources.  
 3 DEQ sent letters to the 12 sources and requested  
 4 that the facilities perform a four-factor analysis.

5       The responses to DEQ's requests for a  
 6 four-factor analysis were reviewed by DEQ staff. In  
 7 some cases, a full four-factor analysis was  
 8 determined to not be necessary because the equipment  
 9 had already been modified, controlled, or shut down  
 10 or the company committed to doing so by the end of  
 11 the planning period. Some sources completed the  
 12 four-factor analysis and determined that there were  
 13 no cost-effective control technologies for their  
 14 units.

15       DEQ selected a long-term strategy  
 16 that includes the commitments received from sources  
 17 through the four-factor process during this second  
 18 planning period. Oklahoma's long-term strategy also  
 19 recognizes and relies in large part upon existing  
 20 pollution control programs and clean energy  
 21 technology advances that have resulted in and will  
 22 continue to result in advanced progress. Oklahoma's  
 23 updated Smoke Management Plan is also a part of the  
 24 long-term strategy. In addition, EPA has recently  
 25 proposed some regulations that would further reduce

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1 emissions in Oklahoma, if finalized. Although these  
 2 future regulations have not been relied upon for the  
 3 long-term strategy in Oklahoma's Planning Period 2  
 4 Regional Haze SIP, it is important to recognize that  
 5 they are on the horizon. As all of these  
 6 requirements are realized, meeting a reasonable  
 7 progress goal will be achievable with this long-term  
 8 strategy.

9 As prescribed by the Regional Haze  
 10 Rule, the 20 percent most impaired days and the  
 11 20 percent clearest days must be evaluated from a --  
 12 (An issue occurred with the slides.)

13 MS. FOSTER: As prescribed by the Regional  
 14 Haze Rule, the 20 percent most impaired days and the  
 15 20 percent clearest days must be evaluated from a  
 16 baseline period to current conditions to track  
 17 progress toward achieving the goal of natural  
 18 visibility conditions by 2064. The uniform rate of  
 19 progress or URP line, is also known as the  
 20 glidepath, is drawn from baseline conditions to  
 21 natural conditions. It provides a good illustration  
 22 for whether the state is making appropriate  
 23 progress. Oklahoma is requesting adjustment of the  
 24 glidepath to account for wildland fires and  
 25 international sources as allowed by EPA. This also

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1 results in an adjustment to the 2064 visibility  
 2 target. The resulting adjusted uniform rate of  
 3 progress requires Oklahoma to be at or under 17.36  
 4 deciviews by 2028. EPA's modeling, without the  
 5 additional shutdowns and controls Oklahoma has  
 6 included in this Regional Haze SIP, projects  
 7 Oklahoma to be at 16.93 deciviews on the 20 percent  
 8 most impaired days in 2028.

9 This chart is a visual representation  
 10 of this information. Actual, measured IMPROVE data  
 11 is shown on the jagged red line on the left.  
 12 Although from year to year the values may go up or  
 13 down, the overall trend is down. The straight red  
 14 line is the unadjusted URP glidepath that will take  
 15 us to natural conditions by 2064. The adjusted URP  
 16 to remove international and wildland fire  
 17 contributions, as allowed by EPA, is shown as a  
 18 dashed green line. The single, red diamond is the  
 19 EPA projection in 2028, without any additional  
 20 reductions from the second planning period, which is  
 21 below the adjusted URP. With the additional  
 22 reductions from Oklahoma's long-term strategy, the  
 23 2028 projection should be even better. Factor in  
 24 the upcoming EPA regulations and Oklahoma should  
 25 continue to make significant improvement in

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1 visibility from anthropogenic sources at the Wichita  
 2 Mountains Wilderness Area.

3 Once Oklahoma prepared its draft  
 4 Planning Period 2 Regional Haze SIP, it was shared  
 5 with the Federal Land Managers for a 60-day comment  
 6 period as required by the rule. Comments were  
 7 received from the U.S. Forest Service. These  
 8 comments were responded to in the public draft of  
 9 the Regional Haze SIP. EPA Region 6 supplied  
 10 informal comments. Revisions were made to the  
 11 Regional Haze SIP based on FLM and EPA comments if  
 12 necessary and appropriate. The draft SIP was also  
 13 shared with our tribal partners and any neighboring  
 14 states that sent us an "ask" letter or were sent an  
 15 "ask" letter. No comments were received from the  
 16 tribal partners or neighboring states. The 60-day  
 17 consultation process led to the public comment  
 18 period we are in today.

19 DEQ's next steps after this public  
 20 hearing are to close the comment period at 4:30 pm  
 21 today. DEQ staff will begin reviewing all comments  
 22 received at the hearing today or in writing through  
 23 the end of today. A response to comments document  
 24 will be created and DEQ staff will revise the  
 25 Regional Haze SIP to address the comments received

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1 if necessary and appropriate. DEQ plans to submit  
 2 the Planning Period 2 Regional Haze SIP and all  
 3 supporting materials to EPA Region 6 by August 15,  
 4 2022.

5 This concludes my brief presentation  
 6 on the Planning Period 2 Regional Haze SIP. I will  
 7 now turn it back over to Travis Couch.

8 MR. COUCH: DEQ will now begin taking  
 9 public comments on our proposed Regional Haze State  
 10 Implementation Plan for the Second Planning Period.  
 11 Jeremy Jewell is our first commenter.

12 MR. JEWELL: Jeremy Jewell for the  
 13 Environmental Federation of Oklahoma.

14 EFO has -- well, so we generally  
 15 support this SIP, I would say with one exception and  
 16 one note for the record.

17 First, the note is just that if you  
 18 continue that graph out to 2022 that you just -- or,  
 19 excuse me, 2020 that you just displayed, because  
 20 there is now 2020 IMPROVE data available from  
 21 Colorado State University, then the trend line  
 22 continues even further downward.

23 The one exception to our support is  
 24 we do not support DEQ's use of 3.25 percent as a  
 25 capital recovery interest rate in any capital -- or,

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1 excuse me, any cost effectiveness calculations, even  
 2 if it's just presented as a sensitivity analysis.  
 3 EFO thinks any use of the bank prime rate, which is  
 4 what that number was based upon, to estimate private  
 5 company borrowing capability is unreasonable  
 6 regardless of EPA's recommendation to do so.  
 7 And, lastly, I would note that the  
 8 bank prime rate has actually increased by  
 9 31 percent, to 4.25 percent, as of today, since the  
 10 SIP was written.  
 11 Thank you.  
 12 MR. COUCH: I do not have any other  
 13 comment request notices at this time. Does anyone  
 14 else in the public have a desire to speak? Seeing  
 15 no hands, we will recess until DEQ receives a  
 16 request to provide oral testimony, at which time the  
 17 hearing will be resumed. The hearing will conclude  
 18 at 11:00 am. We would like to remind you that the  
 19 room is still being recorded and broadcast on Zoom.  
 20 Therefore, please refrain from holding conversations  
 21 in the room even while we are in recess.  
 22 Thank you.  
 23 (A recess was taken from 9:17 AM to 9:32 AM)  
 24 MR. COUCH: We do have one more comment  
 25 right now, a second one from Jeremy Jewell.

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1 MR. JEWELL: Yes. Yeah, thank you, Jeremy  
 2 Jewell again, this time on behalf of Oxbow Calcining  
 3 in Kremlin, Oklahoma. Two relatively minor  
 4 comments.  
 5 One, in Section 6.4.2.7 of the draft  
 6 SIP, in Table 6-4, the value for the "Cost of  
 7 Compliance (dollars per ton)" under the "City of  
 8 Enid" column in the row identified by "Kiln 2",  
 9 "DSI", the number in the draft SIP is "\$14,99"; that  
 10 number should be '\$14,944'.  
 11 And one other, very minor comment.  
 12 In Section 6.4.1.1 -- actually, it continues on page  
 13 37 -- the -- I believe it's the second-to-last  
 14 sentence, there's a misspelled word. The word is  
 15 "uncertainly"; it should be 'uncertainty'.  
 16 That's it, thank you.  
 17 MR. COUCH: Thank you for that.  
 18 Assuming there's no more comments at  
 19 this time, we will continue our recess until a  
 20 request is obtained or 11:00 am.  
 21 (A recess was taken from 9:34 AM to 11:00 AM)  
 22 MR. COUCH: It is now 11:00. We have  
 23 received no additional requests for comment.  
 24 Therefore, this concludes the hearing on the  
 25 proposed Regional Haze State Implementation Plan for

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1 the Second Planning Period.  
 2 Thank you.  
 3 (HEARING ADJOURNED AT 11:00 AM)  
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1 CERTIFICATE  
 2 I, Jenny Longley, Certified Shorthand  
 3 Reporter within and for the State of Oklahoma, do  
 4 hereby certify that the above and foregoing hearing  
 5 was by me taken in shorthand and thereafter  
 6 transcribed; and that I am not an attorney for nor  
 7 relative of any of said parties or otherwise  
 8 interested in the event of said action.  
 9 IN WITNESS WHEREOF, I have hereunto  
 10 set my hand and official seal this 7th day of July,  
 11 2022.  
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