

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Thursday, November 21, 2024
DEQ Multipurpose Room
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677
Please turn off cell phones

1. **Call to Order** – Mike Paque, Chair
2. **Announcements** – Mike Paque, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. **Roll Call** – Quiana Fields, Secretary, Board & Councils
4. **Approval of Minutes** of the September 10, 2024, Regular Meeting
5. **Rulemaking**
Chapter 100. Air Pollution Control
Subchapter 2. Incorporation by Reference [AMENDED]
Appendix Q. Incorporation by Reference [AMENDED]

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.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

6. **Rulemaking**
Chapter 100. Air Pollution Control
Subchapter 8. Permits for Part 70 Sources and Major New Source Review Sources
Part 5. Permits for Part 70 Sources
252:100-8-6 [AMENDED]

The Department is proposing to amend existing rule language in OAC 252:100-8-6. Permit Content, in response to the U.S. Environmental Protection Agency's (EPA's) recently

promulgated changes to program requirements pursuant to the Federal Register notice entitled "Removal of Title 2 V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program," 88 Fed. Reg. 47029 (July 21, 2023). The gist of this rule proposal and the underlying reason for the rulemaking is to comply with federal requirements by removing "affirmative defense" provisions in Oklahoma's Part 70 air quality permit program.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

7. Rulemaking

Chapter 100. Air Pollution Control

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-1.1. Definitions [AMENDED]

252:100-5-2.1. Emission inventory [AMENDED]

Subchapter 7. Permits for Minor Facilities

252:100-7-1.1. Definitions [AMENDED]

252:100-7-2.1. Minor permits for greenhouse gas (GHG) emitting facilities

252:100-7-15. Construction permit [AMENDED]

252:100-7-60.5 Oil and natural gas sector [AMENDED]

252:100-7-60.6. Emergency engine facilities [AMENDED]

252:100-7-60.7. Gasoline dispensing facilities and gasoline dispensing facilities with emergency engines [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review

(NSR) Sources

252:100-8-2. Definitions [AMENDED]

252:100-8-4. Requirements for construction and operating permits [AMENDED]

252:100-8-5. Permit applications [AMENDED]

252:100-8-31. Definitions [AMENDED]

252:100-8-33. Exemptions [AMENDED]

The Department is proposing to clarify source eligibility criteria for the oil and natural gas sector Permit By Rule (PBR) and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take legally and practically enforceable (LPE) limits to avoid applicability of the federal requirements for certain equipment. The proposed permanent rule amendments would replace the currently effective emergency rule. Additional changes will ensure that greenhouse gases (GHGs) are exempt from various requirements except for the federal requirement for a BACT analysis under the (major source) PSD program where another pollutant (non-GHG) triggers the requirement for a PSD permit and GHG emissions will increase by 75,000 tons CO₂e. Lastly, proposed changes authorize electronic submission of applications and clarify requirements

applicable to minor source facilities that are later required by federal rule to obtain major source (Title V) operating permits.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

8. Rulemaking

Chapter 100. Air Pollution Control

Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program

[AMENDED]

252:100-49-1 Purpose and Applicability [AMENDED]

252:100-49-3 Definitions [AMENDED]

252:100-49-5 Program criteria and qualification determination [AMENDED]

The Department is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. DEQ and the Oklahoma Tax Commission jointly administer the "Oklahoma Emission Reduction Technology Rebate Program" to provide an incentive for "Emission Reduction Projects" – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Department's responsibilities under the recently revised Oklahoma Emission Reduction Technology Incentive Act.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

9. Consideration of and Action on the Annual Environmental Quality Report

The Oklahoma Environmental Quality Code requires DEQ to prepare an "Oklahoma Environmental Quality Report" and to submit it to the Governor, Speaker of the House, and Senate President Pro Tempore by January 1st of each year. The statutorily prescribed purpose of the report is to outline the DEQ's annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is authorized to review, amend (as necessary), and approve the report.

- Presentation – Madison Miller, Deputy Executive Director, DEQ
- Questions and discussion by the Board

- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on approval

10. Executive Director's Report - Robert Singletary, Executive Director, DEQ

Mr. Singletary's report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

11. Budget Status Report (FY25) – Kathy Aebischer, Chief Financial Officer, DEQ

Ms. Aebischer's report will include an update and outlook on DEQ's budget for Fiscal Year 2025. This report is for informational purposes only, and no action by the Board is required.

12. New Business (Any matter not known about, and which could not have been reasonably foreseen prior to the posting of agenda)

13. Next Meeting January 21, 2025, Oklahoma City, Oklahoma

14. Adjournment

Public Forum – Following Adjournment – The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak. If necessary to accommodate the public, the Board Chair may decide to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.