



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

AUG 21 2019

Joe Sullivan, P.E.
AECOM Technical Services, Inc.
1600 Perimeter Park drive
Morrisville, NC 27560

Re: Applicability Determination No. 2019-0668-AD

Dear Mr. Sullivan:

Air Quality has completed the review of the operation referenced above as summarized in the Evaluation of Applicability Determination No. 2019-0668-AD (copy enclosed). Based on the original request received on June 4, 2019, and subsequent updates, it has been determined that the existing Myall facility and the proposed facility would not be considered a single facility for the purposes of NSR and Title V permitting.

This determination is limited to the "planned" facility locations and details listed in the evaluation.

Thank you for your cooperation in this matter. If we may be of further service, please contact our office at (405) 702-4100.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Fielder", is written over the word "Sincerely,".

Phillip Fielder, P.E.
Chief Engineer

AIR QUALITY DIVISION



**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

MEMORANDUM

August 20, 2019

TO: JW Lee Warden, P.E., Permits and Engineering Group Manager

THROUGH: mm Madison Miller, Environmental Attorney Supervisor

THROUGH: LF BF Brad Flaming, Environmental Programs Manager

THROUGH: PM Phil Martin, P.E., Engineering Manager, Existing Source Permits Section

THROUGH: DSS Peer Review

FROM: PF Phillip Fielder, P.E., Chief Engineer

SUBJECT: Evaluation of Applicability Determination No. 2019-0668-AD
Myall, LLC
Mayes County, Oklahoma
Latitude: 36.1318°N, Longitude: 95.1918°W

SECTION I. INTRODUCTION

Myall, LLC (Myall) is evaluating the potential viability of constructing a new facility near its existing facility in Pryor, Mayes County, Oklahoma. Myall has submitted an Applicability Determination (AD), dated June 4, 2019, to determine if the new facility would be required to be collocated with the existing facility. The existing facility is operating under Air Quality Permit #2015-1514-TV (M-1). A construction permit to expand the existing facility is currently under review. It should be noted that some information in support of this AD has been submitted under the Trade Secret protection of 27A Okla. Stat. (O.S.) § 2-5-105(17).

SECTION II. REGULATORY REVIEW

As indicated, Myall is considering the construction of a new facility. Myall believes the new facility would not be considered a collocated facility with the existing facility based on current regulatory requirements. The regulatory requirements are reviewed in this section.

Under Oklahoma Administrative Code (OAC) 252:100-8-2, "major source," as it pertains to Title V major source permitting and New Source Review (NSR) permitting for Prevention of Significant Deterioration (PSD) sources, is defined as any stationary source or group of stationary sources that:

- a) Are located on one or more contiguous or adjacent properties,
- b) Are under common control, and
- c) Belong to the same Major Group (i.e., have the same two-digit primary standard industrial code (SIC)).

Any group of stationary sources meeting all three criteria are considered part of a "major source" for NSR and Title V permitting purposes. The existing facility is permitted as a major source. Therefore, in order to determine the appropriate NSR/Title V permitting that would be required, Myall needs clarification regarding the collocation status of the proposed new facility.

Myall has indicated that the proposed facility would be under common control and share the same SIC code. Therefore, the new facility would need to be located on one or more contiguous or adjacent properties to satisfy the third criterion.

The new facility is proposed to be at least 1/2 mile from the existing facility's property border. To further support that the facilities should not be considered collocated with regard to the "common sense notion of a plant," Myall provided the following details:

- Each facility will have its own infrastructure, including emergency generators.
- Emergency generators at one facility will not support the other facility.
- The facilities will utilize separate electricity substations.
- If one facility could not operate, it would not prevent the other from operating.
- The facilities will not rely on each other for pollution control.

SECTION III. CONCLUSION

Based on a physical distance between the facilities of at least 1/2 mile and the listed operational details, the facilities would be considered separate for PSD and Title V permitting purposes.

It should be noted that this determination is specific to the "planned" locations and operational details described.

SECTION IV. COMPLIANCE

Tier Classification

This application has been determined to be "not subject to tier classifications" based on being a request for an Applicability Determination. Information on all permit actions is available for review by the public in the Air Quality section of the DEQ web page: www.deq.ok.gov.

Fees Paid

An applicability determination fee of \$500 was paid on July 26, 2019.