

MINUTES
AIR QUALITY ADVISORY COUNCIL
July 24, 2024
Tulsa Tech – Owasso Campus
10800 N. 137th East Avenue
Owasso, Oklahoma

Official AQAC Approved
at October 17, 2024 Meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on July 24, 2024. Notice of the meeting was forwarded to the Office of Secretary of State on April 11, 2024. The agenda was posted at the DEQ and the facility twenty-four hours prior to the meeting. Also, Ms. Cheryl Bradley acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that if you wish to make a statement when it's time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present. Ms. Lodes thanked and recognized Mr. Gary Collins for his years of service on the Council.

MEMBERS PRESENT

James Farrell
Garry Keele
John Privrat
Jeffrey Taylor
Michael Thayer
Laura Lodes

MEMBERS ABSENT

Matt Caves
Gregory Elliott
Jefferson Wilber

DEQ STAFF PRESENT

Kendal Stegmann
Cheryl Bradley
Melanie Foster
Tom Richardson
Brooks Kirlin
Phillip Fielder
Leon Ashford
Travis Couch
Malcolm Zachariah
Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the April 24, 2024 Special Meeting. Mr. Taylor moved to approve and Mr. Privrat made the second.

See transcript page 4

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| James Farrell | Yes | Jeffrey Taylor | Yes |
| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

Election of Officers – Mr. Taylor nominated Ms. Lodes to remain as Chair and Mr. Farrell made the second.

See transcript page 5 – 6

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| James Farrell | Yes | Jeffrey Taylor | Yes |
| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

Mr. Farrell nominated Mr. Keele to remain as Vice-Chair and Mr. Taylor made the second.

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| | <i>See transcript pages 6 - 7</i> | | | |
| James Farrell | Yes | Jeffrey Taylor | Yes | |
| Garry Keele | Yes | Michael Thayer | Yes | |
| John Privrat | Yes | Laura Lodes | Yes | |

Public Rulemaking Hearing

Chapter 100. Air Pollution Control

Appendix E. Primary Ambient Air Quality Standards [AMENDED]

Mr. Leon Ashford, EPS, Rules & Planning Section of the AQD, stated the Department of Environmental Quality (Department or DEQ) is proposing to amend Appendix E to maintain consistency with the National Ambient Air Quality Standards (NAAQS). Specifically, the PM_{2.5} Primary Standard is being amended to reflect recent changes made by EPA in lowering the annual standard from 12.0 µg/m³ to 9.0 µg/m³. The gist of the proposed rule is to ensure Appendix E is consistent with the federal NAAQS. Hearing questions and comments by the Council but none by the public, Ms. Lodes called for a motion, Mr. Keele moved to approve the rule and Dr. Thayer made the second.

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| | <i>See transcript pages 8 - 10</i> | | | |
| James Farrell | Yes | Jeffrey Taylor | Yes | |
| Garry Keele | Yes | Michael Thayer | Yes | |
| John Privrat | Yes | Laura Lodes | Yes | |

Chapter 100. Air Pollution Control

Subchapter 1. General Provisions

252:100-1-3. Definitions [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 9. PERMITS BY RULE

252:100-7-60. Permit by rule [AMENDED]

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

(NSR) Sources

Part 5. PERMITS FOR PART 70 SOURCES

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

Mr. Brooks Kirlin, P.E., Rules & Planning Section of the AQD, stated that the Department is proposing to amend existing rule language in sections 252:100-7-60, Permit by rule, and 252:100-8-4, Requirements for construction and operating permits, to clarify requirements for electronic submission of applications for air quality permits. The Department is proposing to amend additional existing rule language in 252:100-8-4 as well as section 252:100-1-3, Definitions, to clarify construction and operating permit requirements associated with modification of an existing minor facility (i.e., subject to Subchapter 7) such that it will become a Part 70 source (i.e., subject to Subchapter 8). The gist of the proposed rule is to clarify air quality permit requirements related to electronic submission of applications, and to minor facilities that are transitioning to Part 70 sources. Mr. Kirlin stated The Department proposes for the Council to approve Sections 100-1-3 and 100-7-60 and Section 100-8-4 for the Council to consider at the October meeting. Hearing questions and comments by the Council and none by the public, Ms. Lodes called for a motion to approve the proposed changes to Sections 100-1-3 and 100-7-60, Mr. Farrell moved to approve and Mr. Keele made the second.

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| | <i>See transcript pages 10 - 19</i> | | | |
| James Farrell | Yes | Jeffrey Taylor | Yes | |

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| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

Chapter 100. Air Pollution Control

Subchapter 7. Permits for Minor Facilities

Part 9. PERMITS BY RULE

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

Mr. Tom Richardson, P.E., Rules & Planning Section of the AQD, stated that the Department is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Additionally, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment. Hearing no questions or comments by the Council and none by the public, Ms. Lodes stated the staff asks that the Council defer action on proposed rule revisions to Subchapter 5, 7 and 8 to a future Council meeting.

See transcript pages 19 - 47

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| James Farrell | Yes | Jeffrey Taylor | Yes |
| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

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

See transcript page 47

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

New Business – There was a conflict with the October date scheduled so staff proposed to move the current October date scheduled to October 17. Ms. Lodes called for a motion to move the next AQAC meeting to Thursday, October 17 at 9:00 at the DEQ. Mr. Farrell moved to approve and Mr. Keele made the second.

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| James Farrell | Yes | Jeffrey Taylor | Yes |
| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

Adjournment – The next regular meeting is scheduled for Thursday, October 17, 2024 in Oklahoma City, Oklahoma. Ms. Lodes called for a motion to adjourn the meeting, Mr. Keele moved to adjourn and Mr. Taylor made the second. Meeting adjourned at 10:12 a.m.

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| James Farrell | Yes | Jeffrey Taylor | Yes |
| Garry Keele | Yes | Michael Thayer | Yes |
| John Privrat | Yes | Laura Lodes | Yes |

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

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| <p>Page 1</p> <p>1 2 3 4 REGULAR MEETING/HEARING 5 AIR QUALITY ADVISORY COUNCIL 6 JULY 24, 2024, 9:00 AM 7</p> <p>8 MEMBERS PRESENT 9 Laura Lodes 10 Garry Keele II 11 John Privrat 12 James Farrell 13 Jeffrey Taylor 14 Michael Thayer 15</p> <p>16 MEMBERS ABSENT 17 Matt Caves 18 Gregory Elliott 19 Jefferson Wilber 20 21 22 23 24 25 REPORTED BY: Jenny Longley, CSR</p> | <p>Page 3</p> <p>1 dedicated member of the Air Quality Advisory 2 Council; and whereas Gary Collins played an active 3 role in the development of the rules and regulations 4 that were passed by the Air Quality Advisory Council 5 to promote clean air in Oklahoma; and whereas during 6 his tenure as a member of the council, this body has 7 met the legislative charter to attain and preserve 8 clean air in Oklahoma; and now, therefore, it be 9 resolved that the members of the Oklahoma Air 10 Quality Advisory Council recognize and thank Gary 11 Collins for his years of service toward making 12 Oklahoma a better place to live. 13 Gary, you have to come here. 14 MS. STEGMANN: Gary, your service has been 15 much appreciated over the years. 16 MR. COLLINS: Thank you. 17 CHAIRWOMAN LODES: Very much, we much miss 18 his expertise. 19 Okay. The next item on today's 20 agenda is the election of officers. We need to -- 21 as usual, on an annual basis we need to elect a 22 Chair and a Vice Chair for the Air Quality Advisory 23 Council. Usually we would do this in January, but 24 since we did not meet in January, we get to do it 25 today.</p> |
| <p>Page 2</p> <p>1 PROCEEDINGS 2 CHAIRWOMAN LODES: I'd like to call 3 today's meeting of the Air Quality Advisory Council 4 to order. Quiana, will you please call roll? 5 MS. FIELDS: Mr. Caves is absent. 6 Mr. Elliott is absent. 7 Mr. Farrell? 8 MR. FARRELL: Yes. 9 MS. FIELDS: Mr. Keele? 10 MR. KEELE: Yes. 11 MS. FIELDS: Mr. Privrat? 12 MR. PRIVRAT: Yes. 13 MS. FIELDS: Mr. Taylor? 14 MR. TAYLOR: Yes. 15 MS. FIELDS: Dr. Thayer? 16 DR. THAYER: Yes. 17 MS. FIELDS: Mr. Wilber is absent. 18 Ms. Lodes? 19 CHAIRWOMAN LODES: Yes. 20 MS. FIELDS: We have a quorum. 21 CHAIRWOMAN LODES: Thank you. 22 The next item on today's agenda is a 23 resolution for Mr. Collins. Gary Collins was 24 appointed to the Oklahoma Air Quality Advisory 25 Council in 2008; and whereas Gary Collins was a</p> | <p>Page 4</p> <p>1 I jumped ahead, I'm supposed to 2 approve the minutes first. Okay. I'd like to 3 approve the minutes for the April 24, 2024 special 4 meeting. 5 MR. TAYLOR: So move. 6 CHAIRWOMAN LODES: Do we have any comments 7 on the minutes? 8 MR. TAYLOR: I'll make that motion. 9 MR. PRIVRAT: I second it. 10 CHAIRWOMAN LODES: I have a motion and 11 second. Will you please call roll? 12 MS. FIELDS: Mr. Farrell? 13 MR. FARRELL: Yes. 14 MS. FIELDS: Mr. Keele? 15 MR. KEELE: Yes. 16 MS. FIELDS: Mr. Privrat? 17 MR. PRIVRAT: Yes. 18 MS. FIELDS: Mr. Taylor? 19 MR. TAYLOR: Yes. 20 MS. FIELDS: Dr. Thayer? 21 DR. THAYER: Yes. 22 MS. FIELDS: Ms. Lodes? 23 CHAIRWOMAN LODES: Yes. 24 MS. FIELDS: Motion passed. 25 CHAIRWOMAN LODES: Thank you. And now the</p> |

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| <p>Page 5</p> <p>1 next item on the agenda is the election of officers. 2 So you all need to decide, or we need to decide who 3 we want for Chair and Vice Chair for the rest of 4 this year, which is one more meeting, it's today and 5 October. 6 MR. TAYLOR: I'll make a motion to put 7 Laura Lodes back in as Chair. 8 MR. FARRELL: Second. 9 CHAIRWOMAN LODES: Thank you. We also 10 need a Vice Chair. 11 We need to call for a vote on that 12 since we have a motion and a second on just me? 13 MR. KEELE: Yep. 14 CHAIRWOMAN LODES: Okay. Quiana, please 15 call roll. 16 MS. FIELDS: Mr. Farrell? 17 MR. FARRELL: Yes. 18 MS. FIELDS: Mr. Keele? 19 MR. KEELE: Yes. 20 MS. FIELDS: Mr. Privrat? 21 MR. PRIVRAT: Yes. 22 MS. FIELDS: Mr. Taylor? 23 MR. TAYLOR: Yes. 24 MS. FIELDS: Dr. Thayer? 25 DR. THAYER: Yes.</p> | <p>Page 7</p> <p>1 MS. FIELDS: Motion passed. 2 CHAIRWOMAN LODES: Thank you. 3 Congratulations. 4 We will now enter the public 5 rulemaking hearing portion of our meeting today. 6 MS. BRADLEY: Good morning. I am Cheryl 7 Bradley of the Air Quality Division. I will serve 8 as the protocol officer for today's hearings. 9 The hearings will be convened by the 10 Air Quality Advisory Council in compliance with the 11 Oklahoma Administrative Procedures Act and Title 40 12 of the Code of Federal Regulations, Part 51, as well 13 as the authority of Title 27A of the Oklahoma 14 Statutes, Section 2-2-201 and Sections 2-5-101 15 through 2-5-117. 16 Notice of the July 24, 2024 hearings 17 were advertised in the Oklahoma Register for the 18 purpose of receiving comments pertaining to the 19 proposed OAC Title 252 Chapter 100 rules as listed 20 on the Agenda and will be entered into each record 21 along with the Oklahoma Register filing. Notice of 22 Meeting was filed with the Secretary of State on 23 April 11, 2024. The Agenda was duly posted 24 hours 24 prior to the meeting at the facility and at the DEQ. 25 If you wish to make a statement, it</p> |
| <p>Page 6</p> <p>1 MS. FIELDS: Ms. Lodes? 2 CHAIRWOMAN LODES: Yes. 3 MS. FIELDS: Motion passed. 4 CHAIRWOMAN LODES: Thank you. 5 Now we need a Vice Chair. Garry has 6 been Vice Chair, do we want to keep Garry as Vice 7 Chair or does somebody else want to -- 8 MR. FARRELL: I move to keep Garry as Vice 9 Chair. 10 MR. TAYLOR: I'll second that. 11 CHAIRWOMAN LODES: We have a motion and a 12 second as Garry Keele as Vice Chair. Will you 13 please call roll? 14 MS. FIELDS: Mr. Farrell? 15 MR. FARRELL: Yes. 16 MS. FIELDS: Mr. Keele? 17 MR. KEELE: Yes. 18 MS. FIELDS: Mr. Privrat? 19 MR. PRIVRAT: Yes. 20 MS. FIELDS: Mr. Taylor? 21 MR. TAYLOR: Yes. 22 MS. FIELDS: Dr. Thayer? 23 DR. THAYER: Yes. 24 MS. FIELDS: Ms. Lodes? 25 CHAIRWOMAN LODES: Yes.</p> | <p>Page 8</p> <p>1 is very important that you complete the form at the 2 registration table, and you will be called upon at 3 the appropriate time. Audience members please come 4 to the podium for your comments and please state 5 your name. 6 At this time, we will proceed with 7 what is marked as Agenda Item 6A on the Hearing 8 Agenda: Chapter 100, Air Pollution Control, Appendix 9 E, Primary Ambient Air Quality Standards [Amended]. 10 Leon Ashford will make the staff 11 presentation. 12 MR. ASHFORD: Good morning, Council 13 Members, my name is Leon Ashford. I am an 14 Environmental Programs Specialist with AQD's Rules & 15 Planning Section. Today, we are proposing to change 16 Oklahoma Administrative Code Title 252, Chapter 100, 17 Appendix E. 18 In 2012, EPA set the PM2.5 primary 19 standard at 12.0 micrograms per cubic meter as an 20 annual mean averaged over three years. On March 6, 21 2024, EPA revised the annual primary standard to 22 9.0 micrograms per cubic meter. 23 In summation, DEQ requests the Air 24 Quality Advisory Council to recommend the proposed 25 amended Appendix E to the Environmental Quality</p> |

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| <p>Page 9</p> <p>1 Board for adoption. Any questions?</p> <p>2 MS. BRADLEY: Questions from the council?</p> <p>3 CHAIRWOMAN LODES: I do actually have one,</p> <p>4 and I should have asked this when we talked the</p> <p>5 other day. So we don't have to revoke and then redo</p> <p>6 the whole appendices like we do the other</p> <p>7 appendices?</p> <p>8 MR. COUCH: Not anymore, no.</p> <p>9 CHAIRWOMAN LODES: Oh, okay.</p> <p>10 MR. COUCH: That was kind of a</p> <p>11 technicality of the rulemaking system that changed</p> <p>12 about a year ago.</p> <p>13 CHAIRWOMAN LODES: Okay.</p> <p>14 MR. COUCH: So now it's more of just an</p> <p>15 amendment to the appendix. Yeah.</p> <p>16 CHAIRWOMAN LODES: Okay. Thank you.</p> <p>17 MR. KEELE: And to be clear, what we're</p> <p>18 doing is synchronizing with the federal standard the</p> <p>19 state standard,</p> <p>20 MS. BRADLEY: Any questions from the</p> <p>21 public? Hearing none.</p> <p>22 CHAIRWOMAN LODES: Hearing none, the staff</p> <p>23 has asked that -- has recommended that we approve</p> <p>24 this motion to change OAC 252:100 Appendix E and</p> <p>25 recommend to the EQB for permanent approval. Do I</p> | <p>Page 11</p> <p>1 8, Permits for Part 70 Sources and Major New Source</p> <p>2 Review (NSR) Sources, Part 5, Permits for Part 70</p> <p>3 Sources; 252:100-8-4, Requirements for construction</p> <p>4 and operating permits [Amended].</p> <p>5 Brooks Kirlin of the Air Quality</p> <p>6 Division will give the presentation.</p> <p>7 MR. KIRLIN: Good morning, Madam Chair,</p> <p>8 Members of the Council, Ladies and Gentlemen. As</p> <p>9 stated, I am Brooks Kirlin, an engineer with Air</p> <p>10 Quality's Rules & Planning Section. The Department</p> <p>11 is proposing to clarify air quality requirements by</p> <p>12 amending existing Chapter 100 rule language in a</p> <p>13 couple of areas.</p> <p>14 First, provisions related to</p> <p>15 electronic submission of applications, and second,</p> <p>16 provisions related to minor facilities that are</p> <p>17 transitioning to Part 70 - or major - sources. I</p> <p>18 should warn you that I will need to skip around</p> <p>19 through the document a bit to cover the two areas,</p> <p>20 and that I will be presenting the version of the</p> <p>21 proposal that is provided in today's folder. There</p> <p>22 are just a few minor differences between the folder</p> <p>23 version and the Council packet, and I will point</p> <p>24 those differences out along the way.</p> <p>25 AQD has allowed electronic</p> |
| <p>Page 10</p> <p>1 have a motion?</p> <p>2 MR. KEELE: Motion to approve. I'll make</p> <p>3 a motion.</p> <p>4 DR. THAYER: Second.</p> <p>5 CHAIRWOMAN LODES: Thank you. I have a</p> <p>6 motion and a second. Quiana, please call roll.</p> <p>7 MS. FIELDS: Mr. Farrell?</p> <p>8 MR. FARRELL: Yes.</p> <p>9 MS. FIELDS: Mr. Keele?</p> <p>10 MR. KEELE: Yes.</p> <p>11 MS. FIELDS: Mr. Privrat?</p> <p>12 MR. PRIVRAT: Yes.</p> <p>13 MS. FIELDS: Mr. Taylor?</p> <p>14 MR. TAYLOR: Yes.</p> <p>15 MS. FIELDS: Dr. Thayer?</p> <p>16 DR. THAYER: Yes.</p> <p>17 MS. FIELDS: Ms. Lodes?</p> <p>18 CHAIRWOMAN LODES: Yes.</p> <p>19 MS. FIELDS: Motion passed.</p> <p>20 MS. BRADLEY: Now we're on to Item 6B on</p> <p>21 the agenda: Chapter 100, Air Pollution Control,</p> <p>22 Subchapter 1, General Provisions; 252:100-1-3,</p> <p>23 Definitions [Amended], Subchapter 7, Permits for</p> <p>24 Minor Facilities, Part 9, Permits By Rule;</p> <p>25 252:100-7-60, Permit by rule [Amended], Subchapter</p> | <p>Page 12</p> <p>1 submissions for a number of years, and today we</p> <p>2 propose to update our rules to better reflect this</p> <p>3 policy, and to clarify requirements for electronic</p> <p>4 submission of air quality permit applications. I</p> <p>5 might note that many provisions are silent on the</p> <p>6 appropriate methods for document submittal.</p> <p>7 However, a few have language to assure both DEQ and</p> <p>8 the facility that the proper documents are received</p> <p>9 in a timely manner.</p> <p>10 I'm in Subchapter 7, Section 7-60,</p> <p>11 Subsection (c), which covers registration under a</p> <p>12 Permit By Rule or PBR, that's on the eighth and</p> <p>13 ninth pages of the folder version.</p> <p>14 We propose to add two provisions</p> <p>15 under paragraph (c)(2). New subparagraph (2)(D)</p> <p>16 would expressly allow electronic submission as</p> <p>17 acceptable documentation of registration, and new</p> <p>18 paragraph (2)(E) acknowledges that a facility might</p> <p>19 need to use more than one method to submit various</p> <p>20 items of documentation for a given project.</p> <p>21 Additional electronic submission</p> <p>22 language has been added in Subchapter 8, Section</p> <p>23 8-4, Requirements for construction and operating</p> <p>24 permits, shown on the tenth page of the folder</p> <p>25 version. Sorry, the pages aren't numbered for that</p> |

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| <p>Page 13</p> <p>1 version of the rule proposal. If you happen to look 2 up this section of the rule in Chapter 100 on DEQ's 3 website, you'll see an introductory sentence in 4 paragraph (b)(3) that relies on a postmark to 5 determine if an operating permit application is 6 timely received.</p> <p>7 Unfortunately, somewhere along the 8 line, that sentence was omitted from the Office of 9 Administrative Rules' online copy, as you can see 10 where it says OAR website. Unfortunately that's 11 considered the official version.</p> <p>12 Therefore, today's proposal shows as 13 new language an introductory sentence that would 14 restore the postmark reference and expand the 15 options to document timely submittal of an operating 16 permit application to basically all possible methods 17 of delivery. And note that after recent 18 discussions, the "postmark" wording in the folder 19 version is a bit more descriptive than the version 20 in the original packet.</p> <p>21 The second part of today's proposal 22 would amend additional existing rule language in 23 Section 100-8-4, as well as Section 100-1-3, 24 Definitions, to clarify construction and operating 25 permit requirements associated with modification of</p> | <p>Page 15</p> <p>1 gives the requirements for when a facility must 2 obtain a construction permit for a major or Part 70 3 source.</p> <p>4 AQD is proposing to add clarifying 5 language as new item 8-4(a)(1)(A)(ii), to explicitly 6 state that an existing minor facility must obtain a 7 construction permit under Subchapter 8 before making 8 a modification that, once completed, would require a 9 Part 70 operating permit.</p> <p>10 In this same section, we are also 11 proposing some clarifying language regarding 12 requirements to obtain a Part 70 operating permit. 13 Note that as a result of recent discussions, the 14 proposed wording in the folder version is slightly 15 different than the version in the packet.</p> <p>16 So, under the same "Timely 17 application" requirements in paragraph (b)(3) that 18 we discussed earlier, subparagraph (C) allows 19 existing sources that become subject to the Part 70 20 operating program, without making a change that 21 would normally trigger the requirements, allows them 22 12 months to file an operating permit application.</p> <p>23 Although these would be unusual 24 cases, this could happen to a facility, for 25 instance, located in an area that goes</p> |
| <p>Page 14</p> <p>1 an existing minor facility - a facility that is 2 subject to Subchapter 7 permitting requirements, 3 transitioning in such a way or modifying it in such 4 a way that it will become a Part 70 source, and 5 therefore subject to Subchapter 8 permitting 6 requirements. We'll start with a related definition 7 of "Modification" in Section 100-1-3 that's on the 8 fourth page of the folder version.</p> <p>9 Under (B) on this part, the 10 definition states that, with some caveats, an 11 increase in production rate, increase in hours of 12 operation, or use of an alternative fuel or raw 13 material would not be considered a "change in the 14 method of operation", and so it wouldn't trigger a 15 modification. However, many facilities have 16 voluntarily taken a limitation on their operations 17 in order to avoid an otherwise applicable 18 requirement. AQD believes that relaxing or removing 19 such a limitation should be considered a 20 modification, and we are proposing to add the 21 indicated phrase, which would also bring it more in 22 line with the corresponding federal NSR definition 23 of "major modification" in 40 CFR Section 51.165.</p> <p>24 Now moving back to Section 8-4 on the 25 ninth page of the folder version, Section 8-4(a)</p> | <p>Page 16</p> <p>1 nonattainment, with a corresponding lowering of the 2 major source threshold. Or, if the existing 3 facility is in a source category for which, for 4 whatever reason, EPA starts specifically requiring 5 Part 70 operating permits by a rule. This 6 requirement dates back to the earlier days of the 7 Title V program, and because of that we are also 8 removing a date that is no longer needed.</p> <p>9 We are also clarifying that if a 10 facility found itself in this situation, it could 11 not just use the occasion to obtain an increase in 12 emissions limits, but would need to separately 13 obtain a construction permit for that.</p> <p>14 Notice of the proposed rule changes 15 was published in the Oklahoma Register on June 17, 16 2024. The notice requested comments from the public 17 and other interested parties. No comments on the 18 proposal were received during the comment period.</p> <p>19 And this is the point where staff 20 typically would ask the Council to either pass or 21 defer action on proposed rule changes. However, as 22 you will hear during Tom Richardson's presentation - 23 coming up, next item on the agenda - staff expects 24 to bring an unrelated change to Section 100-8-4 for 25 the Council to consider at its October meeting.</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 Because the Department may not make changes to the</p> <p>2 same section more than once in the same year, we ask</p> <p>3 that the Council defer action on Section 100-8-4</p> <p>4 until the next AQAC meeting. However, we ask that</p> <p>5 the Council recommend the proposed changes to</p> <p>6 Sections 100-1-3 and 100-7-60, as presented today,</p> <p>7 to the Environmental Quality Board for adoption as</p> <p>8 permanent rules.</p> <p>9 So we have that recommended motion.</p> <p>10 If the proposed changes are promulgated, they will</p> <p>11 be submitted for inclusion in the SIP, and today's</p> <p>12 hearing will serve to meet the public participation</p> <p>13 requirements for a SIP submittal.</p> <p>14 Thank you. Are there any questions?</p> <p>15 CHAIRWOMAN LODES: I do have a logistics</p> <p>16 question on it, and again, I should have asked. So</p> <p>17 if we're going to approve 100-7-60, is that not</p> <p>18 going to be a problem with 100-7-60.5? Okay.</p> <p>19 Because they're different? I just want to make sure</p> <p>20 that we do this correctly.</p> <p>21 MS. FOSTER: Melanie Foster, Rules &</p> <p>22 Planning. So since 7-60.5 is a completely different</p> <p>23 section, passing this 7-60 now doesn't interfere</p> <p>24 with what's coming in Tom's presentation and what's</p> <p>25 going to obviously come to you guys again, hopefully</p> | <p style="text-align: right;">Page 19</p> <p>1 folder, to the Environmental Quality Board for</p> <p>2 adoption as permanent rules at its next regular</p> <p>3 meeting, which is on September 10, 2024. Do I have</p> <p>4 a motion?</p> <p>5 MR. FARRELL: So moved.</p> <p>6 CHAIRWOMAN LODES: I have a motion. Do I</p> <p>7 have a second?</p> <p>8 MR. KEELE: Second.</p> <p>9 CHAIRWOMAN LODES: I have a motion and a</p> <p>10 second. Would you please call roll?</p> <p>11 MS. FIELDS: Mr. Farrell?</p> <p>12 MR. FARRELL: Yes.</p> <p>13 MS. FIELDS: Mr. Keele?</p> <p>14 MR. KEELE: Yes.</p> <p>15 MS. FIELDS: Mr. Privrat?</p> <p>16 MR. PRIVRAT: Yes.</p> <p>17 MS. FIELDS: Mr. Taylor?</p> <p>18 MR. TAYLOR: Yes.</p> <p>19 MS. FIELDS: Dr. Thayer?</p> <p>20 DR. THAYER: Yes.</p> <p>21 MS. FIELDS: Ms. Lodes?</p> <p>22 CHAIRWOMAN LODES: Yes.</p> <p>23 MS. FIELDS: Motion passed.</p> <p>24 MS. BRADLEY: We are now ready for what is</p> <p>25 identified as 6C on our agenda: Chapter 100, Air</p> |
| <p style="text-align: right;">Page 18</p> <p>1 in October.</p> <p>2 CHAIRWOMAN LODES: That's what I wanted to</p> <p>3 make sure, it's actually considered a separate</p> <p>4 section even though they're all part of 7-60?</p> <p>5 MS. FOSTER: Yes, that's correct.</p> <p>6 CHAIRWOMAN LODES: Okay. Thank you.</p> <p>7 MR. TAYLOR: And you're in two different</p> <p>8 years, right?</p> <p>9 MS. FOSTER: So how it works, when we say</p> <p>10 "year", we're talking basically a rulemaking year;</p> <p>11 so it's anytime before the legislative session. For</p> <p>12 us, basically October's going to be our last meeting</p> <p>13 before our deadline to get things to the</p> <p>14 legislature, which is now February 1, 2025.</p> <p>15 So anything that we do today -- well,</p> <p>16 April, what we did in April at the special meeting</p> <p>17 -- well, sorry, that's emergency, never mind.</p> <p>18 Anything we do today, anything we do in October,</p> <p>19 those will go before the legislature in 2025.</p> <p>20 MR. TAYLOR: Okay.</p> <p>21 MS. BRADLEY: Any other questions from the</p> <p>22 council? Questions from the public? Hearing none.</p> <p>23 CHAIRWOMAN LODES: Staff has requested a</p> <p>24 motion to recommend the proposed changes to Sections</p> <p>25 100-1-3 and 100-7-60, as reflected in today's</p> | <p style="text-align: right;">Page 20</p> <p>1 Pollution Control, Subchapter 7, Permits for Minor</p> <p>2 Facilities, Part 9, Permits By Rule, 252:100-7-60.5,</p> <p>3 Oil and natural gas sector [Amended].</p> <p>4 Oh, excuse me. Tom Richardson of the</p> <p>5 Rules & Planning Section will make the presentation.</p> <p>6 MR. RICHARDSON: Thank you, Cheryl. Good</p> <p>7 morning, Madam Chair, Members of the Council, Ladies</p> <p>8 and Gentlemen. I am Tom Richardson, an engineer in</p> <p>9 the Air Quality Division's Rules & Planning Section.</p> <p>10 My purpose today is to present proposed changes to</p> <p>11 our state permitting rules, specifically permanent</p> <p>12 changes to the Oil and Natural Gas Permit By Rule or</p> <p>13 PBR in Subchapter 7 of Chapter 100, as well as</p> <p>14 additional changes to Subchapters 5, 7, and 8 to</p> <p>15 address greenhouse gases, or GHGs. And I'm</p> <p>16 advancing my own slides, so please bear with me.</p> <p>17 This slide summarizes the topics I</p> <p>18 will cover. First, I will say a few words about</p> <p>19 EPA's New Source Performance Standards, or NSPS,</p> <p>20 Subpart OOOOb that addresses emissions for the oil</p> <p>21 and natural gas industry.</p> <p>22 The next bullet notes that the</p> <p>23 emergency changes to the oil and natural gas Permit</p> <p>24 By Rule, which you recommended in April and the</p> <p>25 Environmental Quality Board adopted in June, now</p> |

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| <p>1 awaits signature by the Governor.</p> <p>2 I will give a brief overview of the</p> <p>3 legally and practicably enforceable limits, or LPE</p> <p>4 limits, on tank batteries that were incorporated</p> <p>5 into the emergency rule; then I will give an</p> <p>6 overview of the permanent rule changes we are</p> <p>7 proposing, although I would emphasize that we will</p> <p>8 not be asking the council to act today, we will be</p> <p>9 requesting that the council defer action on the</p> <p>10 permanent amendments to the rules until we meet</p> <p>11 again in October; and lastly, I will discuss next</p> <p>12 steps.</p> <p>13 This slide shows the first page of</p> <p>14 the final Federal Register notice for the NSPS</p> <p>15 Subpart OOOOb rule and the image of a table showing</p> <p>16 the emissions that will be covered by the rule. The</p> <p>17 final rule was published on March 8, 2024, the</p> <p>18 effective date is May 7, 2024.</p> <p>19 And this slide shows that NSPS OOOOb</p> <p>20 covers a number of different types of sources and</p> <p>21 introduces a number of new requirements. We are</p> <p>22 adding a reference to NSPS OOOOb in our proposed</p> <p>23 permanent changes to the oil and gas PBR that</p> <p>24 mirrors the emergency rule language approved by the</p> <p>25 council in April.</p> | <p>Page 21</p> <p>1 rules; and Subchapter 8, the Title V operating</p> <p>2 permits and major source construction permit</p> <p>3 subchapter.</p> <p>4 Chapter 100, Subchapter 5 changes.</p> <p>5 Please turn in your folder to the proposed</p> <p>6 amendments to the rule text in Chapter 100,</p> <p>7 Subchapter 5. And apologies, we did not get the</p> <p>8 language in your folder up and noticed early enough</p> <p>9 to get it available on the web.</p> <p>10 It is posted now so members of the</p> <p>11 public are able to view it, but we were working on</p> <p>12 the language and we only posted the emergency rule</p> <p>13 language to get the ball rolling, and so we do not</p> <p>14 actually have the other changes that are present in</p> <p>15 your folders today, which is one of the reasons why</p> <p>16 we're asking you to defer action until October.</p> <p>17 Policy goals for Subchapter 5.</p> <p>18 Before we get into the actual rule text, what I'd</p> <p>19 like to do is go over some bullet points just to</p> <p>20 outline what our goals are from a policy standpoint.</p> <p>21 Again, fix the policy first and then address the</p> <p>22 rules to make sure that the rules reflect our</p> <p>23 policy.</p> <p>24 First, owners and operators of</p> <p>25 facilities with Oklahoma DEQ Air Quality permits are</p> |
| <p>1 The next slide shows the legally and</p> <p>2 practicably enforceable limits, and this was one of</p> <p>3 the key drivers to our recommendation of the</p> <p>4 emergency PBR changes that were adopted in April.</p> <p>5 And again, I'd like to highlight there's a change in</p> <p>6 NSPS OOOOb with regard to the definition of storage</p> <p>7 vessel affected facility which makes the entire tank</p> <p>8 battery a single unit for the purposes of this rule.</p> <p>9 Goals for the permanent rulemaking.</p> <p>10 Our goals are to adopt the bulk of the new language</p> <p>11 from the emergency update to the oil and gas PBR as</p> <p>12 a permanent update to our rules.</p> <p>13 We would also like to address the</p> <p>14 exemptions and exclusions of greenhouse gases as an</p> <p>15 aggregate because greenhouse gases, as defined in</p> <p>16 our rules, are an aggregate, but they also represent</p> <p>17 individual pollutants, for example methane. And we</p> <p>18 want to include those exemptions within the sections</p> <p>19 where the emissions of greenhouse gases could</p> <p>20 trigger otherwise applicable requirements, so in</p> <p>21 other words, keep the first domino from striking the</p> <p>22 next domino and creating problems.</p> <p>23 We will do that in the three</p> <p>24 subchapters shown, Subchapter 5, Emissions inventory</p> <p>25 and fees; Subchapter 7, minor source permitting</p> | <p>Page 22</p> <p>1 not required to include greenhouse gases, whether as</p> <p>2 an aggregate or as individual pollutants, in their</p> <p>3 annual emissions inventories. This is our current</p> <p>4 policy, this policy will continue after these</p> <p>5 changes are adopted.</p> <p>6 No fees will be charged for GHGs.</p> <p>7 Again, this reflects current policy, that policy</p> <p>8 will not change with the adoption of our permanent</p> <p>9 rules.</p> <p>10 Greenhouse gases also will not be</p> <p>11 considered in the determination of the frequency</p> <p>12 with which facilities with PBRs need to submit</p> <p>13 annual emissions inventories. Note PBRs have a less</p> <p>14 frequent schedule, they submit on a three-year or</p> <p>15 six-year basis depending on the level the threshold,</p> <p>16 for their emissions.</p> <p>17 And now we're going to get into the</p> <p>18 rule proper, so we are in Subchapter 5 changes. I</p> <p>19 would also note, for today's presentation I will be</p> <p>20 giving a high-level overview of the proposed</p> <p>21 amendments to our rules, I intend to provide a more</p> <p>22 detailed overview in October, during the council</p> <p>23 meeting at that point.</p> <p>24 So here, under "Definitions", you can</p> <p>25 see that we're adding the word "air" for regulated</p> |
| | <p>Page 23</p> <p>Page 24</p> |


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| <p>1 air pollutants for fee calculation. This is a fix, 2 this omission was present in our definition. In 3 every other instance in the rules, the word "air" is 4 there so it's "Regulated air pollutant for fee 5 calculation". This is the only place where "air" 6 does not exist; so that would be one of the 7 recommendations we're making.</p> <p>8 And then further, you can see in C, 9 greenhouse gases either as individual pollutants or 10 as an aggregate will be exempted from the 11 requirement for fee calculation. So when we come to 12 regulated air pollutants for fee calculation, we've 13 already omitted carbon monoxide, we don't fee for 14 carbon monoxide, we don't fee for gross particulate 15 matter, we will not fee explicitly for greenhouse 16 gases.</p> <p>17 So here we are in 5-2-1, emissions 18 inventory. The language highlighted exempts 19 greenhouse gases from the determination of whether a 20 facility with a PBR is required to submit an annual 21 emissions inventory on a three-year cycle or a 22 six-year cycle. I mentioned that before, this is 23 just clarification that that 5-ton per-year 24 threshold exempts greenhouse gases.</p> <p>25 And again, big picture, I think</p> | <p>Page 25</p> <p>1 Policy goals for Subchapter 7. As we 2 did above for Subchapter 5, I'd like to highlight 3 the policy goals so we can ensure that we agree on 4 policy, then we get to the rule changes we'll 5 ensure, to the degree we can, that those policies 6 are reflected in our rule changes.</p> <p>7 First, again, greenhouse gases, 8 whether as an aggregate or as individual pollutants, 9 will not be factored into the determination whether 10 a facility meets the definition of de minimus or 11 permit exempt.</p> <p>12 Second, greenhouse gases do not need 13 to be included in a minor facility permit unless, 14 one, the facility is subject to a greenhouse gas 15 limit under NSPS; two, it's due to a requirement 16 based on emission guidelines that have been adopted 17 in accordance with 40 CFR Part 60, and I'll have 18 more to say when we get to that point in the rule 19 text; or lastly, if the owner operator requests a 20 limit, then the greenhouse gas limits can be placed 21 in the permit.</p> <p>22 Greenhouse gases will not be 23 considered in the determination of whether a 24 facility's eligible for a minor source permit, a 25 general permit, or a PBR. Greenhouse gases will not</p> |
| <p>Page 26</p> <p>1 Melanie Foster, the manager of the Rules & Planning 2 section, said don't get into the minutia of the PBR 3 without just highlighting overall we are not 4 inventorying greenhouse gases, we are not feeling 5 greenhouse gases. Keep that big picture in mind.</p> <p>6 Then, here in the language 7 highlighted, we are rearranging 1 and 2 as shown to 8 emphasize our preference for actual emissions over 9 permitted allowable emissions with regard to the 10 collection of our annual emissions inventory. So 11 this isn't a substantive change, rather it's a 12 change in priority.</p> <p>13 So our emissions inventory section 14 has always preferred actual emissions to the 15 permitted allowable emissions. Although permitted 16 allowable emissions are acceptable, we just wanted 17 to change the order to emphasize our preference for 18 the actual emissions. And then again, below, 19 greenhouse gases are exempted from the requirement 20 for an annual emissions inventory.</p> <p>21 And that concludes our Subchapter 5 22 changes, we're now moving on to Subchapter 7. And 23 again, please turn in your folder, or for those of 24 you not on the council, this information's available 25 on the web and the link is shown.</p> | <p>Page 28</p> <p>1 be factored into the determination whether a 2 construction permit is required because a facility's 3 undergone a modification that results in an emission 4 increase of 5 tons per year.</p> <p>5 Further, greenhouse gases are not 6 factored into the determination of whether a 7 facility is, one, a major source with regard to 8 Title V requirements; two, a major stationary source 9 for the purposes of PSD; or, three, a major 10 stationary source for the purposes of nonattainment 11 NSR.</p> <p>12 And then, lastly, greenhouse gases 13 will not be factored into the determination whether 14 a facility's project is a major modification under 15 either the PSD program or the nonattainment NSR 16 program.</p> <p>17 And now, here we're showing rule 18 text. Again, please note that this will be a 19 high-level overview, I plan on doing a more 20 detailed, step-by-step discussion when we bring the 21 rules back in October.</p> <p>22 And you'll note here under de minimus 23 facility, we're adding that exemption for greenhouse 24 gases. We already exempted the particulate matter 25 with greater than 10-micrometer aerodynamic</p> |

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| <p>1 diameter, we're also adding the exemption for 2 greenhouse gases.</p> <p>3 Next, permit exempt facility. We're 4 exempting greenhouse gases from the determination of 5 whether a facility is permit exempt or not.</p> <p>6 Previously, this section shows -- so this is 7 100-7-2.1. Previously, this section was very 8 limiting with regard to what we can do with our 9 minor source permitting program. It basically said 10 we can only include greenhouse gas emissions when 11 they were requested to avoid the requirement to 12 obtain a PSD construction permit or Title V or Part 13 70 operating permit.</p> <p>14 The changes we're proposing will 15 allow greenhouse gases limits where required, one, 16 by a federal NSPS or NESHAP; two, rules promulgated 17 as regulated as required by federal emissions 18 guidelines; or three, when requested by the owner 19 operator.</p> <p>20 And here, I'd like to just briefly 21 touch on the promulgation for emission guidelines. 22 So we're really focusing on OOOOb, but there is also 23 an NSPS OOOOc, and those are the emission 24 guidelines.</p> <p>25 So EPA is requiring each state to</p> | <p>Page 29</p> <p>1 rules where those issues are addressed, but we 2 decided -- because we already have this section in 3 Subchapter 7, we decided to use this as kind of a 4 one-stop shop for all of the exemptions for 5 greenhouse gases, so that's why we've made these 6 changes here. These changes are not exclusively 7 here, they also will be found in the other sections 8 where greenhouse gases would be addressed.</p> <p>9 So stepping through, again, this is 10 the laundry list of greenhouse gas exemptions, so 11 again, the 5-ton-per-year threshold triggering a 12 requirement for a Subchapter 7 construction permit, 13 determination of whether a facility is permit 14 exempt, de minimus, et cetera.</p> <p>15 So all of -- this is a complete list 16 of all of those exemptions, and this list is very 17 similar to what we put in the PBR that was passed in 18 April, the emergency PBR rules, and we've pulled 19 those out of the PBR, which was supposed to be kind 20 of a self-contained limit, and put them here for 21 applicability to other areas in the program.</p> <p>22 Next, construction permits. And 23 again, it's referenced above, but it also appears 24 here where we have the triggering language for the 25 requirements to obtain a Subchapter 7 construction</p> <p>Page 31</p> |
| <p>1 promulgate rules that address existing sources, 2 existing oil and gas sources. Now, EPA already has 3 a proposal or has a rule in place that's a model 4 rule, but that rule does not consider RULOF or 5 remaining useful life and other factors.</p> <p>6 We are in the process, in the early 7 process of developing our own state plan. We plan 8 to investigate RULOF and have exemptions for certain 9 facilities, if that's merited. And so as we 10 investigate that, we need this enabling language in 11 2 to be able to put those permits, when they're 12 promulgated, into the permits that are adopted.</p> <p>13 So again, this is just laying the 14 groundwork for when we get the ball rolling for our 15 111(d) plan, our state plan to address the emission 16 guidelines. And that's the 1, 2, and 3, under A.</p> <p>17 The next, the B and below, is 18 basically a laundry list of greenhouse gas 19 exemptions. So those exemptions are, again, 20 exemptions from the requirement for an annual 21 emission inventory, an emission -- the greenhouse 22 gas emissions will not be subject to fees, and then 23 a series of exemptions.</p> <p>24 These exemptions are redundant. So 25 the exemptions are being placed in the parts of the</p> <p>Page 30</p> | <p>1 permit. So again, if you make a change that 2 increases emissions by more than 5 tons per year, 3 that would trigger a requirement for a Subchapter 7 4 construction permit, we will exempt greenhouse gases 5 from that determination.</p> <p>6 Permit By Rule. Greenhouse gases are 7 not exempt from the determination whether a facility 8 would be subject to a PBR or a GP. So the 9 40-tons-per-year actual, 100-ton-per-year potential 10 emissions, those thresholds are for other regulated 11 air pollutants, greenhouse gases would not be 12 determinative of whether you're able to obtain a PBR 13 or a GP.</p> <p>14 Permits by Rule. Now, the vast 15 majority of the changes I'm going to show, the 16 changes to the oil and natural gas PBR, are 17 identical to those that were adopted as emergency 18 rulemaking in April.</p> <p>19 The original language in the oil and 20 gas PBR allows facilities to be constructed and 21 operated, and I would note the changes made in April 22 and the changes we'll be bringing back in October, 23 those changes are not strictly necessary to allow a 24 facility subject to OOOOb to operate under the PBR. 25 So our PBR already has that mechanism in place, but</p> <p>Page 32</p> |

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| <p>Page 33</p> <p>1 this addition of the OOOOb language is for 2 clarification, it's not strictly necessary, we 3 wanted to highlight that.</p> <p>4 Further, the limitations on emissions 5 imposed by NSPS and NESHAP may be used to determine 6 PTE, and that's the language below in 1, eligible 7 facilities, and if you drop down to E. And that's 8 important because in some cases, a facility may 9 have, for example, an engine subject to JJJJ 10 requirements, and so the limitation on its potential 11 to emit under JJJJ, those limitations can be 12 factored into the determination of eligibility.</p> <p>13 Further, the legally and practicably 14 enforceable limits that can be obtained under the 15 PBR, those may also be factored into the 16 determination of eligibility for the PBR.</p> <p>17 The language here adds a reference to 18 Subpart OOOOb, and again clarifies that all emission 19 units addressed by that rule may be covered by the 20 oil and natural gas PBR. This clarification, again, 21 is not strictly necessary, but is a helpful 22 clarification.</p> <p>23 And then we get to D, and the vast 24 majority of the new rule language that's shown in 25 Subsection D, this was language already adopted as</p> | <p>Page 35</p> <p>1 emergency PBR, we really tried to kind of 2 hermetically seal changes we were making to the 3 program within those emergency rules proper. So if 4 you took a limit under the PBR, we did not want that 5 to be the first domino that triggered other 6 applicable requirements that we did not want to be 7 required.</p> <p>8 And so this language was put in the 9 emergency PBR, we've now taken this language out of 10 the emergency PBR and we've addressed it each time 11 one of these instances came up in the rules. In 12 addition, we have that entire section listing the 13 laundry list of all of the exemptions for greenhouse 14 gases. So this part has been struck and will not be 15 part of the permanent rulemaking.</p> <p>16 And now we're moving on. So that was 17 the set of changes for the oil and gas PBR, and now 18 we're in the emergency engine facilities PBR. 19 Again, we're dropping in the exemption of greenhouse 20 gases from the determination of whether you can 21 obtain or apply for a PBR. So strictly speaking, 22 without exempting greenhouse gases - greenhouse 23 gases are a regulated air pollutant under the 24 definition - we need to create that exemption to 25 ensure that that doesn't keep a facility from being</p> |
| <p>Page 34</p> <p>1 part of the emergency rulemaking that was approved 2 in April. So we have the requirements for the 3 legally and practicably enforceable limits on tank 4 batteries to keep those batteries from becoming 5 storage vessel affected facilities under OOOOb. 6 Again, this language is identical to the emergency 7 rule language approved in April.</p> <p>8 Again, the language identical to what 9 was approved in April. And you know, these are the 10 mechanisms if you have a non-assisted flare, it has 11 to have a destruction efficiency of 95 percent, if 12 it's an enclosed combustion device, or if you're 13 using a VRU.</p> <p>14 And this language was meant to 15 address the -- we'll say more strict requirements 16 under OOOOb than the previous requirements under 17 OOOO and OOOOa. Again, this is the language that's 18 identical to what was approved in April with regard 19 to initial compliance and continued compliance.</p> <p>20 And, lastly, reporting and 21 recordkeeping. And again, all the language shown is 22 identical to what we adopted in April. I'm going 23 very fast, I hope that's okay, but I feel like we've 24 seen that before, so we're speeding through.</p> <p>25 This is different. So in the</p> | <p>Page 36</p> <p>1 able to obtain this PBR.</p> <p>2 Gasoline dispensing facilities, the 3 same thing applies here. Again, each instance where 4 there's a threshold or a requirement that because 5 greenhouse gases are a regulated air pollutant they 6 would trigger an otherwise applicable requirement, 7 we're exempting the greenhouse gases from that 8 requirement. And that's it for Subchapter 7.</p> <p>9 And now we're ready to launch into 10 Subchapter 8, so please, Council Members, turn in 11 your folder, for those of you not on the council, 12 please continue looking at the rules that we placed 13 on the web.</p> <p>14 Policy goals for Subchapter 8. 15 Again, we're going to highlight the high-level 16 policy goals and then our goal is to get those 17 policies into our rules when we come to the rules 18 proper.</p> <p>19 First, greenhouse gases will not 20 trigger the requirement for a facility to obtain a 21 Title V or Part 70 operating permit. Second, 22 greenhouse gases will not trigger a requirement for 23 minor new source review or NSR - which is also a 24 Subchapter 8 construction permit - for a facility 25 with a Title V operating permit. Specifically,</p> |

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| <p>Page 37</p> <p>1 greenhouse gases will not be evaluated against the 2 10-ton-per-year threshold for the projects 3 considered minor modifications. 4 And this grows out of the series of 5 permitting rule changes we made in the 2020-2021 6 period, and that's where we needed to create an 7 exemption because, otherwise, minor modifications 8 might trigger a requirement for a construction 9 permit, and so we used a 10-ton-per-year threshold. 10 So these are the Tier 1 construction permits for 11 minor modifications that exceed the 10-ton-per-year 12 threshold, we want to ensure that greenhouse gases 13 are not used in that determination. 14 Next, greenhouse gases will not be 15 subject to a PSD best available technology review 16 under our state requirements. And we'll get into 17 that in the details, but there are different BACT 18 and different modeling requirements for certain 19 changes that are subject to state rules and others 20 that are subject to federal PSD and nonattainment 21 NSR. So these are our state rules. 22 Further, the state - this is not the 23 PSD program, this is the state program - there will 24 be no requirement for air quality modeling for 25 greenhouse gases. In addition, the greenhouse gases</p> | <p>Page 39</p> <p>1 And now here we are in the rules 2 again. And once again - and I sound like a broken 3 record at this point - this will be a high-level 4 overview of the proposed amendments, and I plan on 5 bringing up a more detailed, step-by-step overview 6 when we get to the rules in October. 7 First, under 8-2 "Definitions", the 8 definition of "major source". That establishes the 9 criteria which determine whether a facility is 10 required to obtain a Title V or Part 70 operating 11 permit; so we're going to modify that "major source" 12 definition to exempt greenhouse gases. 13 Where is that done? That's done here 14 in B. So a "major stationary source" as defined in 15 Section 302 of the Act - that's the Clean Air Act - 16 that "emits 100 tons per year or more of any 17 regulated air pollutant". We've already exempted 18 gross particulate matter, and here we're dropping in 19 the new exemption for greenhouse gases. Again, 20 we're just cleaning up all those references to make 21 sure that greenhouse gases are explicitly excluded 22 from these requirements. And I'm not sure on the 23 rest of the definition of major source because it 24 goes on for quite a bit, but this is the key 25 language that provides that exemption for greenhouse</p> |
| <p>Page 38</p> <p>1 will be exempt from the ambient impact analysis. 2 So an increase in greenhouse gases 3 will also not trigger the requirement for a PSD 4 permit. A PSD permit will only be triggered if 5 another pollutant exceeds the PSD thresholds. 6 Greenhouse gases will only be subject 7 to PSD BACT if a facility's required to obtain a PSD 8 permit due to a significant emission increase and a 9 significant net emission increase of one or more 10 non-greenhouse-gas pollutants and also greenhouse 11 gas emissions increased by 75,000 tons per year of 12 CO2 equivalent. That's kind of complicated, we'll 13 get into that when we get to PSD, but these are 14 these anyway sources that trigger a requirement for 15 BACT for greenhouse gases. 16 Further, a PSD permit that is 17 triggered, greenhouse gases are exempt from the 18 ambient air impact analysis. Further, greenhouse 19 gas BACT is only required when other pollutants 20 trigger the requirement for nonattainment NSR and if 21 greenhouse gases will increase by 75,000 tons of CO2 22 equivalent. So far we have no nonattainment areas, 23 knock on wood, we hope that continues, but just in 24 case, we wanted to make that exemption for 25 greenhouse gases.</p> | <p>Page 40</p> <p>1 gases. 2 8-4. So these are the requirements 3 for construction and operating permits. So if you 4 have a significant modification to a facility so 5 defined, you need a construction permit. This new 6 language under (A)(1)(B)(iv), that has that 7 triggering language for facility changes that are 8 eligible for minor modifications but trigger a 9 permitting requirement because they exceed the 10 10-ton-per-year threshold. So we're exempting the 11 greenhouse gases from that requirement to make sure 12 that the greenhouse gas emissions are not factored 13 into that determination. 14 By the way - and Brooks discussed 15 this previously - Brooks is also suggesting 16 amendments to 8-4. Because I've been using the 17 Reese's Peanut Butter Cup, my -- apparently, my 18 peanut butter is getting in Brooks' chocolate, so 19 we're making sure that we address 8-4 once so that 20 we don't create problems with the rulemaking. So we 21 intend to come back in October, and I'll be bringing 22 up not only these changes to 8-4, I'll be bringing 23 up the changes that Brooks recommended and we'll 24 discuss all of the changes in October. 25 Permit applications. So greenhouse</p> |

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| <p>Page 41</p> <p>1 gases are exempt from state -- again, I'm using -- 2 you know, I always look to Phillip Fielder when it 3 comes to permitting requirements. I've been using 4 Oklahoma BACT or -- and I think "state BACT" is the 5 term of art that Phillip uses. So state BACT is 6 different from PSD BACT. And so the state BACT 7 requirements are triggered by an emission increase 8 of 100 tons per year of any pollutant, and PSD has 9 different thresholds and different requirements, but 10 if state BACT is triggered and it's not a PSD 11 permit, there is a requirement to perform certain 12 analyses, we are excluding greenhouse gases from 13 that requirement.</p> <p>14 Similarly, under this state program, 15 if you have 100-ton-per-year increase that doesn't 16 trigger PSD, we are exempting you from the modeling 17 requirements. There are modeling requirements for 18 the other pollutants that are a little different 19 from PSD. Going into that would take me way more 20 time and I would be just asking Phillip to do the 21 explanation. But we're just making sure that this 22 non-PSD modeling requirement, that the greenhouse 23 gases are exempt from that. And I've got the note, 24 again, state BACT, state modeling is triggered by a 25 100-ton-per-year increase that does not trigger PSD.</p> | <p>Page 43</p> <p>1 again, we've added the greenhouse gas exemption. So 2 for the 26 listed facilities, the threshold is 3 100 tons, we've got that exempted above, here for 4 250 tons we're exempting greenhouse gases. 5 Subject to regulation. So subject to 6 regulation does a lot of work, a lot of work in the 7 Part 70 or Title V program, but we didn't need to 8 make a modification to that definition. It does 9 similarly important work within the PSD program, and 10 here we are proposing modifications.</p> <p>11 But just to start with, I thought I 12 would provide a clarification. So greenhouse gases 13 are only subject to regulation - and really, subject 14 to PSD BACT - under the following scenarios. The 15 scenario (i) is a new facility, a new facility that 16 will be a major stationary source of a 17 non-greenhouse-gas pollutant, NOx, VOCs, whatever. 18 And it also has greenhouse gas emissions of 19 75,000 tons per year of CO2 equivalent, so that's 20 one scenario that could require PSD BACT for 21 greenhouse gases. And this is in parallel with EPA 22 requirements as amended by the court rulings on the 23 issue.</p> <p>24 (ii), an existing facility -- this is 25 a little bit more complicated. So an existing</p> |
| <p>Page 42</p> <p>1 And speaking of PSD, here we are in 2 Part 70. So under "Definitions", the definition of 3 "major stationary source", we're exempting 4 greenhouse gases from the 100-ton-per-year threshold 5 for the classification as a major stationary source 6 for PSD for those 26 listed source types. So these 7 are the types that EPA, in Part 51, has identified 8 as facility types or sources, rather, that are 9 subject to the 100-ton-per-year threshold for the 10 requirement to perform a PSD analysis.</p> <p>11 Most -- oh, one other thing. If you 12 look at XIV, municipal incinerators capable of 13 charging, our rules say more than 250 tons of refuse 14 per day; EPA actually made the change to Part 51, 15 changing that from 250 tons to 50 tons. So in 16 addition to all the issues with the greenhouse 17 gases, we are proposing that we clarify this 18 definition to ensure that is parallel with the EPA 19 definition in Part 51. So just throwing that in 20 there for, you know, one more thing, I guess that's 21 a different flavor of peanut butter to add into this 22 chocolate.</p> <p>23 But further down, in (ii), most 24 facilities are subject to PSD analysis if they cross 25 the 250-ton-per-year threshold; so that language,</p> | <p>Page 44</p> <p>1 facility that is already a major stationary source 2 for a non-greenhouse-gas pollutant - okay, that's 3 like little (a), so it's an existing major 4 stationary source - it has a significant emission 5 increase and a significant net emission increase of 6 a non-greenhouse-gas pollutant.</p> <p>7 And lastly, after all that, it also 8 has an emission increase of greenhouse gases of at 9 least 75,000 tons per year of CO2 equivalent. So 10 we've added some clarification language in "subject 11 to regulation".</p> <p>12 Again, if you look down below, in 13 (D)(ii), for whatever reason the existing language 14 didn't have both significant emission increase and 15 significant net emission increase, so we're adding 16 that language and we're clarifying that the 17 significant emission increase and the significant 18 net emission increase, the triggering event is for a 19 non-greenhouse-gas pollutant. And all of that has 20 been policy for adding these rule changes to ensure 21 that our rules actually reflect our policy.</p> <p>22 Exemptions. So under 8-33, the exemptions 23 from air quality impact analysis. So the 24 clarification that's added here and shown is that 25 greenhouse gases are exempt from air quality</p> |

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| <p>Page 45</p> <p>1 modeling requirements, and that's in that 2 252:100-8-35(a) and (c), so those are modeling 3 requirements, and the greenhouse gases, there's no 4 national ambient air quality standard for greenhouse 5 gases, so by policy they're exempt, but we're making 6 it explicit by adding this language. 7 Further, the additional impact analysis, 8 and that's the growth analysis and visibility, we're 9 exempting greenhouse gases from that requirement, as 10 well. And so those are the exemptions shown in the 11 language below. 12 Lastly, Part 9, Nonattainment NSR. We 13 looked into this and determined we had no need to 14 amend the language in Part 9. The reason why is 15 because if a facility's located in a nonattainment 16 area and a project is determined to require a 17 nonattainment NSR, then all other pollutants have to 18 be evaluated with regard to the PSD program. So in 19 effect, by fixing the PSD problems and clarifying 20 the PSD issues with regard to greenhouse gases, 21 we've addressed the kind of domino that would fall 22 after the nonattainment NSR requirement falls if - 23 and we hope it doesn't - if we become nonattainment 24 for a pollutant. So need to amend this part of the 25 rule.</p> | <p>Page 47</p> <p>1 MS. BRADLEY: Thank you, Tom. 2 Any questions by the council? Any 3 questions from the public? Seeing none. 4 CHAIRWOMAN LODES: The staff has asked 5 that we defer action on the proposed rule revisions 6 to Subchapters 5, 7, and 8 to a future council 7 meeting. Isn't that how we always want to word it? 8 MS. FOSTER: No vote. 9 MR. COUCH: You don't need to motion 10 anything. 11 CHAIRWOMAN LODES: We don't need to vote 12 or do anything? Okay. 13 MS. BRADLEY: That concludes the hearing 14 portion of this meeting. 15 (HEARING CONCLUDED AT 10:01 AM) 16 17 18 19 20 21 22 23 24 25</p> |
| <p>Page 46</p> <p>1 Summary of comments and DEQ responses. 2 Again, we only posted identical language in the 3 emergency PBR when we post the notice of rulemaking. 4 So, as expected, there were comments on that that 5 those rules were already passed, but that was merely 6 a placeholder to basically get the ball rolling so 7 we could give this presentation and then share these 8 rule changes with the council and with the public in 9 the hopes that we come back in October and we have 10 rules that we can promulgate. 11 We do intend to publish that notice of 12 proposed rulemaking in time with an updated set of 13 proposed amendments of both Subchapters 5, 7, and 8 14 in advance of the October Air Quality Council 15 meeting. We look forward to reviewing comments on 16 that more complete set of proposed amendments when 17 we do post them. 18 Chapter 100, Subchapters 5, 7, and 8. 19 That concludes my presentation on the proposed 20 changes to Chapter 100, Subchapters 5, 7, and 8. 21 Staff requests that the council defer action on the 22 proposed rule revisions to Subchapters 5, 7, and 8, 23 and I thank you. 24 And Cheryl, I will turn things back over 25 to you.</p> | <p>Page 48</p> <p>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 5th day of 11 August, 2024. 12  13 _____ 14 Jenny Longley, CSR 15 CSR # 1903 16 17 18 19 20 21 22 23 24 25</p> |



**OKLAHOMA
Environmental
Quality**

AIR QUALITY ADVISORY COUNCIL

Attendance Record

July 24, 2024

Owasso, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

| | | |
|------------------|-------------------------|----------------------------|
| MELANIE FOSTER | DEQ | |
| Tavis Couch | DEQ | |
| Quana Fields | DEQ | |
| Tom Richardson | DEQ | |
| Jan Richardson | Oklahoma History Center | |
| Cheryl Bradley | DEQ | |
| Brooks Kirlin | DEQ | |
| Malcolm Zacharia | DEQ | |
| LEON ASHFORD | DEQ | |
| Garry Keel | McAfee Taff | garry.keel@mcatee-taff.com |
| Buel Ground | EFO | |
| Jody Reinhart | Trinity Consultants | |
| Phillip Fidler | DEQ | |
| Ford Benham | OG&E | |
| Jeff Taylor | DEQ | |
| Kendal Stegmann | DEQ | |
| Audra Beeson | webco | |
| MIKE THAYER | AQAC - OSU | |
| Laura Lodes | AQC | |
| Jim Farrell | AQAC | |
| MATT GRIMES | OG&E | |
| John Prvret | AQAC | |
| Jonathan Truong | ONEOK | |
| Meghan Wan | ONEOK | |
| Jeff Emmert | OG&E | |
| Kyle Dunn | Trinity | |
| Laura Finke | Ryan Whaley | |
| GARY COLLINS | CE INDUSTRIES | |