

MINUTES
AIR QUALITY COUNCIL
OSU/Tulsa Campus
700 North Greenwood, Tulsa, OK
July 20, 2011

Official after AQC Approval
October 5, 2011

Notice of Public Meeting The Air Quality Council convened for its regular meeting at 9:00 a.m. on July 20, 2011 at the OSU Tulsa Campus, 700 North Greenwood, Tulsa, Oklahoma. Notice of the meeting was forwarded to the Office of the Secretary of State giving the date, time, and place of the meeting on December 7, 2010 and on March 3, 2011 to change the location. Agendas were posted at the meeting facility and at the DEQ Central Office in Oklahoma City at least twenty-four hours prior to the meeting. Ms. Beverly Botchlet-Smith convened the hearings by the Air Quality Advisory Council in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51, and Title 27A, Oklahoma Statutes, Sections 2-5-201 and 2-5-101-2-5-118. Ms. Smith entered the Agenda and the Oklahoma Register Notice into the record and announced that forms were available at the sign-in table for anyone wishing to comment on any of the rules. Ms. Laura Lodes, Chair, called the meeting to order. In the absence of Ms. Bruce, Ms. Nancy Marshment called roll and a quorum was present.

MEMBERS PRESENT

David Branecky
Montelle Clark
Gary Collins
David Gamble
Jim Haught
Laura Lodes
Bob Lynch
Sharon Myers
Pete White

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Scott Thomas
Cheryl Bradley
Rob Singletary
Laura Finley
Dawson Lasseter

DEQ STAFF PRESENT

Brooks Kirlin
Nancy Marshment
Diana Hinson

OTHERS PRESENT

Christy Myers, Court Reporter

MEMBERS ABSENT

Transcripts and Attendance Sheet are attached as an official part of these Minutes

Approval of Minutes – January 19, 2011 Regular Meeting Ms. Lodes called for a motion for approval. Mr. Haught moved to approve and Dr. Lynch made the second.

See Transcript pages 3-4

Jim Haught	Yes	David Gamble	Yes
Bob Lynch	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
David Branecky	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

OAC 252:100-31. Control of Emission of Sulfur Compounds Mr. Brooks Kirlin explained that the Department is proposing changes to Subchapter 31, Control of Emission of Sulfur Compounds, to clarify the language and to bring the allowable sulfur dioxide (SO₂) ambient air limits set forth in OAC 252:100-31-7 into line with the requirements of the recently-enacted change to the SO₂ National Ambient Air Quality Standards (NAAQS). In addition, the Department is proposing to add requirements for fuel-burning equipment that use an alternative fuel. Questions and comments from the Council and the public were fielded by staff. Ms. Lodes advised that the staff recommended

carrying the rulemaking to Council's October meeting. Ms. Myers made that motion and Mr. Branecky made the second.

See Transcript pages 6 - 50

Jim Haught	Yes	David Gamble	Yes
Bob Lynch	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
David Branecky	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

OAC 252:110. Lead-Based Paint Management

Subchapter 1. General Provisions [AMENDED]

Subchapter 5. Incorporation by Reference [AMENDED]

Subchapter 15. Additional Renovation, Repair and Painting (RRP) Requirements [NEW]

Ms. Laura Finley, staff attorney in the Air Quality Legal Division advised that the Department is proposing to amend OAC 252:110, Lead-Based Paint Management, to add a new Subchapter 15, Additional Renovation, Repair, and Painting (RRP) Requirements. The proposed rule would establish state requirements that are consistent with those established by EPA and affect contractors who perform renovation, repair, and painting projects in homes, child-care facilities, and schools built before 1978. In addition, the proposal would establish fees to be charged by the Department for RRP firm certifications and for accreditations of training providers. Questions and comments from the Council and the public were fielded by staff. Ms. Lodes advised that the staff recommended carrying the rulemaking to Council's October meeting. Ms. Myers made that motion and Mr. Gamble made the second.

See Transcript pages 51 - 58

Jim Haught	Yes	David Gamble	Yes
Bob Lynch	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	Yes
David Branecky	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

Consideration of and Action on the Petition for Rulemaking from Kids vs Global Warming

Mr. Robert Singletary, attorney supervisor in the Air Quality Legal Division explained that DEQ had received a petition from an organization called Kids vs Global Warming calling for the promulgation of a rule to strictly limit and regulate fossil fuel carbon dioxide emissions, and to establish an effective emissions reduction strategy that will achieve an atmospheric concentration no greater than 350 ppm of carbon dioxide by 2100. Following discussion, Ms. Lodes called for a motion to either deny the petition outright or send it to the agency for rulemaking and hearing. Ms. Myers made the motion to deny the petition and Mr. Gamble made the second.

See Transcript pages 58 - 116

Jim Haught	Yes	David Gamble	Yes
Bob Lynch	Yes	Montelle Clark	Yes
Gary Collins	Yes	Pete White	No
David Branecky	Yes	Laura Lodes	Yes
Sharon Myers	Yes		

Division Director's Report - Eddie Terrill mentioned EPA initiatives and the upcoming Legislative session.

New Business - None

Adjournment – Ms. Lodes adjourned the meeting adjourned at 11:50 p.m.

Transcripts and Attendance Sheet are attached as an official part of these Minutes.

Myers Reporting

<p>Sheet 1 Page 1</p> <p>1 DEPARTMENT OF ENVIRONMENTAL QUALITY 2 STATE OF OKLAHOMA 3 * * * * * 4 TRANSCRIPT OF PROCEEDINGS 5 OF THE 6 AIR QUALITY COUNCIL MEETING 7 HELD ON JULY 20, 2011, AT 9:00 A.M. 8 IN TULSA, OKLAHOMA 9 * * * * * 10 MYERS REPORTING SERVICE 11 Christy Myers, CSR 12 P.O. Box 721532 13 Oklahoma City, Oklahoma 73172-1532 14 (405) 721-2882 15 MEMBERS OF THE COUNCIL 16 DAVID BRANECKY, MEMBER 17 LAURA LODES, CHAIR 18 JIM HAUGHT, VICE-CHAIR 19 PETE WHITE, MEMBER 20 SHARON MYERS, MEMBER 21 MONTELLE CLARK, MEMBER 22 GARY COLLINS, MEMBER 23 ROBERT LYNCH, MEMBER 24 DAVID GAMBLE, MEMBER 25 DEQ STAFF</p>	<p>Page 3</p> <p>1 Myers. 2 MS. MYERS: Here. 3 MS. MARSHMENT: David 4 Gamble. 5 MR. GAMBLE: Here. 6 MS. MARSHMENT: Montelle 7 Clark. 8 MR. CLARK: Here. 9 MS. MARSHMENT: Pete White. 10 MR. WHITE: Here. 11 MS. MARSHMENT: We do have 12 a quorum. 13 MS. LODES: Thank you. The 14 next item on today's Agenda is the 15 approval of the minutes from the 16 January 19th, regular meeting. Do we 17 have any comments on the minutes? 18 If we have no comments, do I have a 19 motion to approve the minutes? 20 MR. HAUGHT: I move that we 21 approve the minutes as written. 22 MS. LODES: I have a 23 motion; do I have a second? 24 DR. LYNCH: Second. 25 MS. LODES: I have a motion</p>
<p>Page 2</p> <p>1 MYRNA BRUCE 2 BEVERLY BOTCHLET-SMITH 3 EDDIE TERRILL 4 CHERYL BRADLEY 5 NANCY MARSHMENT 6 DIANA HINSON 7 ROBERT SINGLETARY 8 LAURA FINLEY 9 BROOKS KIRLIN 10 PROCEEDINGS 11 MS. LODES: Let's go ahead 12 and call the meeting to order. 13 MS. MARSHMENT: Laura Lodes. 14 MS. LODES: Present. 15 MS. MARSHMENT: Jim Haught. 16 MR. HAUGHT: Here. 17 MS. MARSHMENT: Bob Lynch. 18 DR. LYNCH: Here. 19 MS. MARSHMENT: Gary 20 Collins. 21 MR. COLLINS: Here. 22 MS. MARSHMENT: David 23 Branecky. 24 MR. BRANECKY: Here. 25 MS. MARSHMENT: Sharon</p>	<p>Page 4</p> <p>1 and a second, would you please call 2 the roll. 3 MS. MARSHMENT: Laura Lodes. 4 MS. LODES: Yes. 5 MS. MARSHMENT: Jim Haught. 6 MR. HAUGHT: Yes. 7 MS. MARSHMENT: Bob Lynch. 8 DR. LYNCH: Yes. 9 MS. MARSHMENT: Gary 10 Collins. 11 MR. COLLINS: Yes. 12 MS. MARSHMENT: David 13 Branecky. 14 MR. BRANECKY: Yes. 15 MS. MARSHMENT: Sharon 16 Myers. 17 MS. MYERS: Yes. 18 MS. MARSHMENT: David 19 Gamble. 20 MR. GAMBLE: Yes. 21 MS. MARSHMENT: Montelle 22 Clark. 23 MR. CLARK: Yes. 24 MS. MARSHMENT: Pete White. 25 MR. WHITE: Yes.</p>

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<p>Sheet 2 Page 5</p> <p>1 MS. LODES: The minutes have 2 been approved. And we'll now enter 3 the public rulemaking portion of the 4 hearing. Beverly.</p> <p>5 MS. BOTCHLET-SMITH: Good 6 morning. I'm Beverly Botchlet-Smith. 7 I'm the Assistant Director of the Air 8 Quality Division and as such I will 9 serve as the Protocol Officer for 10 today's hearings.</p> <p>11 The hearings will be convened 12 by the Air Quality Council in 13 compliance with the Oklahoma 14 Administrative Procedures Act in 15 Title 40 of the Code of Federal 16 Regulations, Part 51, as well as the 17 authority of Title 27A of the 18 Oklahoma Statutes, Section 2-2-201, 19 Sections 2-5-101 through 2-5-118.</p> <p>20 Notice of the July 20, 2011 21 hearings were advertised in the 22 Oklahoma Register for the purpose of 23 receiving comments pertaining to the 24 proposed OAC Title 252 Chapter 100 25 rules as listed on the Agenda and</p>	<p>Page 7</p> <p>1 Madam Chairman, Members of the 2 Council, ladies and gentlemen. I'm 3 Brooks Kirlin. I'm an engineer with 4 the Rules and Planning Section of the 5 Air Quality Division.</p> <p>6 The Department is proposing to 7 amend the Subchapter 31, Control of 8 Emissions of Sulfur Compounds and to 9 clarify existing language. You may 10 recall that we have made 11 presentations on Subchapter 31 and 12 the Sodium Dioxide Standard at 13 several previous Council meetings and 14 no action by the Council was 15 requested on those occasions. While 16 many of the wording changes in 17 today's proposal were presented at 18 the October 2009 Council meeting, 19 staff has changed the more 20 substantive portion of that proposal 21 following additional review. 22 Therefore, staff would consider this 23 the first time for the Council to 24 consider these amendments to 25 Subchapter 31.</p>
<p>Page 6</p> <p>1 will be entered into each record 2 along with the Oklahoma Register 3 filing. Notice of meeting was filed 4 with the Secretary of State on 5 December 7, 2010 and March 3, 2011 6 to change the location. The Agenda 7 was duly posted 24 hours prior to 8 the meeting at this facility and at 9 the DEQ.</p> <p>10 If you wish to make a 11 statement, it is very important to 12 complete the form at the registration 13 table and you will be called upon at 14 the appropriate time. Audience 15 members, please remember to come to 16 the podium when you make your 17 comments and please state your name.</p> <p>18 At this time we'll proceed with 19 what's marked as Agenda Item 4A on 20 the Hearing Agenda. And this is OAC 21 252:100-31 Control of Emission of 22 Sulfur Compounds. Mr. Brooks Kirlin 23 will be giving the staff 24 presentation.</p> <p>25 MR. KIRLIN: Good morning,</p>	<p>Page 8</p> <p>1 Rules controlling emissions of 2 sulfur oxides were first effective on 3 July 1, 1972 as Oklahoma Department 4 of Health Regulation 16. The 1972 5 rule contained ambient SO2 standards 6 for all facilities that existed on 7 the effective date. These limits 8 were substantially the same as those 9 found in the current rule under 10 Section 31-7, Subsection A. Effective 11 December 31, 1974 these ambient 12 standards were also applied to new, 13 at that time, petroleum and natural 14 gas process facilities.</p> <p>15 The 1972 rule also set SO2 and 16 sulfuric acid emission limits for new 17 sulfuric acid plants and SO2 emission 18 limits for new fuel burning 19 equipment, sulfur recovery plants, 20 non-ferrous smelters, and paper pulp 21 mills. Again process equipment 22 installed or modified after the 23 effective date July 1, 1972 would be 24 considered new for that purpose.</p> <p>25 After the rule was first</p>

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<p>Sheet 3 Page 9</p> <p>1 effective it was modified ten times 2 prior to 2002, when the rule was 3 substantially rewritten to its 4 present form. The rule was again 5 modified slightly in 2003 to clarify 6 that the ambient SO2 standards 7 applied to the entire facility, not 8 just individual units within the 9 facility.</p> <p>10 The rewrite in 2002 corrected 11 many confusing aspects of the rule, 12 but confusion still exists in some 13 cases with regard to the existing -- 14 regard to existing versus new 15 standards. This proposal would 16 insert the applicable dates in the 17 individual sections rather than 18 relying on the somewhat convoluted 19 definitions for new facilities and 20 existing facilities that are 21 currently in Subchapter 31.</p> <p>22 The most substantial change to 23 the Subchapter would be to Section 24 31-7(A). The Department is proposing 25 to drop the five different SO2</p>	<p>Page 11</p> <p>1 discussion with the same EPA staff, 2 we believe that once a change is 3 finalized we would be able to show 4 that we won't lose any substantial 5 protection considering the NAAQS and 6 other existing requirements.</p> <p>7 An additional proposed change 8 would add requirements under Section 9 31-25 for new fuel burning equipment 10 that use alternative fuel. A 11 definition for alternative fuel would 12 also be added to the definitions 13 under Section 31-2.</p> <p>14 Adding a new Section 31-4 has 15 been proposed to avoid a potential 16 double reporting requirement on 17 excess emissions that are covered by 18 both Subchapter 31 and an applicable 19 40 CFR Part 60 Standard. The SOx 20 standards for new sources in 21 Subchapter 31 are generally derived 22 from the emissions standards 23 contained in these Part 60 rules. 24 One result is that in some cases a 25 facility's excess emissions under</p>
<p>Page 10</p> <p>1 Ambient Air Standards. We believe 2 that these standards are outmoded in 3 light of the new one hour SO2 4 National Ambient Air Quality Standard 5 of 0.075. By comparison the existing 6 Section 31-7 allows a one-hour 7 average of 0.46 parts per million. 8 We do not believe that the existing 9 numbers are protective of the NAAQS 10 and staff does not believe that we 11 have an adequate rationale or method 12 for just simply adjusting these 13 numbers in a way that would allow 14 permittees and our permit writers to 15 demonstrate compliance with the NAAQS 16 and the purposes of the subchapter if 17 we're using our current modeling and 18 monitoring protocols.</p> <p>19 As expected, we received a 20 comment from EPA Region 6 staff 21 reminding us that we will need to 22 demonstrate that dropping these 23 standards would not violate the 24 anti-backsliding provisions of the 25 Clean Air Act. After a direct</p>	<p>Page 12</p> <p>1 Subchapter 31 would also be an excess 2 emission under an identical federal 3 emission standard.</p> <p>4 The new Subchapter 9 has 5 alternative reporting provisions that 6 accommodate the excess emissions 7 reporting requirements for the 40 CFR 8 Part 60 rules. However, these 9 alternative reporting provisions 10 aren't currently available for the 11 identical or simultaneous Subchapter 12 31 excess emissions. So the new 13 Section 31-4 has been added to avoid 14 requiring double reporting by 15 extending the alternative excess 16 emissions reporting option to those 17 sources.</p> <p>18 Notice of the proposed rule 19 changes was published in the Oklahoma 20 Register on June 25, 2011. As I 21 mentioned, we received comments from 22 EPA last week and a copy is included 23 in your folder. Also included in 24 your folder are comments we received 25 from Mr. Tom Rader (ps) on behalf of</p>

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1 Lone Star Industries d/b/a Buzzie
2 UniChem USA (ps), Ms. Katherine
3 Crenwelge on behalf of International
4 Paper (inaudible) Mill. Mr. Branecky
5 also provided several suggestions and
6 questions regarding the proposal. I
7 will go over some of those comments
8 in a moment. And we intend to
9 specifically respond to those
10 comments shortly after the meeting.

11 Due to the significance of the
12 proposed changes, staff recommends
13 that the Council carry these proposed
14 changes over for consideration at the
15 October Air Quality Advisory Council
16 meeting to give the Council, the
17 public, and staff more time to
18 consider the changes.

19 Mr. Branecky noted a
20 discrepancy in some of the comments
21 in the alternative fuels provisions
22 in Subsection 31-25 regarding using
23 the term gaseous versus gas. We're
24 inclined to go with the gaseous term
25 where it refers to the physical state

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1 rather than natural gas specifically
2 or some other gas. He suggested we
3 clarify the intent of the phrases,
4 cause or contribute to, or create or
5 contribute to a violation of the
6 standard. He also noted that
7 continuous SO2 monitoring required by
8 existing provisions of Section 31-13
9 and 31-16; a similar question
10 regarding continuous opacity and SO2
11 monitoring under Section 31-25.

12 We intend to check on what
13 facilities would be effected by these
14 changes and whether those
15 requirements are still appropriate.
16 And Mr. Branecky also noted that
17 several places in the rule they used
18 SOx measured as SO2 and suggested we
19 entirely remove or move entirely to
20 SO2. We will need to double check
21 to make sure that, you know, that
22 wouldn't create any issues. And, of
23 course, as a lifelong Yankee's fan I
24 would definitely be in favor of
25 eliminating any reference to the

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1 SOxs.
2 Buzzie UniChem asked for --
3 asked that the term "modified" in
4 Section 31-25 be clarified and that
5 it be limited to changes that
6 increase SOx emissions. We noted
7 that -- we note that the term
8 modification is defined in the
9 general provisions of Subchapter 1,
10 but we will consider, you know,
11 whether narrowing the definitions is
12 appropriate for Subchapter 31.
13 Similarly, we will consider their
14 second comment which requested that
15 the proposed alternative fuel
16 requirements be narrowed to only
17 address sulfur compounds.

18 International Paper requested
19 that we look at Subchapter 31
20 provisions related to the pulp and
21 paper industry and consider whether
22 they have been superseded entirely by
23 NESHAP and -- NESHAPs and NSPS and
24 could therefore be removed. The
25 staff will be looking into the --

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1 more closely into their comments and
2 respond based on what we find out
3 and see if that's practical.

4 And that's all I've got.
5 Thank you.

6 MS. BOTCHLET-SMITH: Okay.
7 At this time we'll take questions and
8 comments from the Council.

9 MS. LODES: I have
10 questions. In 31-7 you also struck
11 out (c) and (d) which are the
12 exceptions and if I -- the way I've
13 read through this with the exception
14 (c) gone it looks like the H2S
15 standard greater than .2 ppm applies
16 even within a facility itself. And
17 that could pose difficulties for
18 facilities if you're talking about
19 right next to -- let's say a
20 sulfuric acid plant or some other
21 such unit instead of talking about
22 truly ambient air. I think the
23 intent is all property impacts but
24 with that -- with (c) struck that
25 becomes unclear as to what is ambient

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1 air. I know in relation to NAAQS
2 it's generally considered all
3 property impacts.
4 MR. KIRLIN: In looking at
5 that I'm not sure whether we had
6 overlooked that it -- I guess, that
7 it applied to the H2S also or not or
8 if there were other reasons why we
9 felt that this -- that we knew that
10 the intent was -- has always been
11 that it doesn't apply onsite. It
12 would apply offsite.
13 MS. LODES: Like I said
14 that's always been the intent --
15 MR. KIRLIN: I mean --
16 right. Let me --
17 MS. LODES: -- it's just by
18 striking (c) that no longer becomes
19 clear.
20 MR. KIRLIN: -- okay.
21 MS. LODES: And then (d)
22 you've also struck it and I'm unclear
23 as to why you struck (d) when it
24 also applies to the H2S in (b)?
25 MR. KIRLIN: I probably got

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1 a heavy hand in typing.
2 MS. LODES: I was thinking
3 --
4 MR. KIRLIN: We'll look at
5 that and make sure we --
6 MS. LODES: As I said, when
7 I was looking through it I couldn't
8 understand why both of those would be
9 gone. It should just be reworked, I
10 think, to be kept where (b) is --
11 MR. KIRLIN: Right.
12 MS. LODES: -- applicable or
13 what I guess would be the new (a).
14 Okay. And then you've already
15 mentioned that you're going to
16 clarify the definition of the word
17 "modification".
18 MR. KIRLIN: Right.
19 MS. LODES: Okay.
20 MR. HAUGHT: What's the
21 proposal for that? Modification, why
22 do we need to clarify it? What --
23 MR. KIRLIN: Well, one of
24 the -- one of the comments was that
25 we specify where -- in the places

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1 where we say new -- this applies to
2 a new or modified facility, one of
3 the comments was that that should be
4 limited to modifications that
5 increase sulfur emissions. Which,
6 I'm not sure -- currently that's --
7 I mean the -- I believe the term is
8 used -- we may have moved the
9 location of it, you know, in the
10 sentence where we used that term but
11 I think that's already in the
12 existing rule. But we'll look at
13 whether that's appropriate, and like
14 I said, narrow it to specifically
15 address sulfur dioxide.
16 MR. HAUGHT: Okay. But we
17 would only -- I mean because that's
18 a significant -- potentially
19 significant definition, so I would
20 like to see -- I didn't know if we
21 had already considered that request
22 that the comment was going to be an
23 adequate change or if it -- if we're
24 still unclear on it.
25 MR. KIRLIN: No. We've got

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1 the -- that came in I think Friday.
2 Is that when it came in?
3 MS. BRADLEY: Yes.
4 MR. KIRLIN: Right. Is was
5 the 15th. Thought about it briefly
6 but we haven't really had a chance
7 to evaluate --
8 MR. HAUGHT: Okay. Okay.
9 Well, I guess it's just if we're
10 ever going to be expected to act on
11 it in October --
12 MR. KIRLIN: Right.
13 (Inaudible).
14 MR. HAUGHT: -- then I
15 think it's significant enough to
16 those people potentially impacted
17 that would like to see what that
18 change -- the definition or
19 clarification on modified is ahead of
20 time if we're going to expect action
21 in October.
22 MS. LODES: Yeah. Because
23 the modification in Subchapter 1
24 definition I don't think would -- I
25 think there would still be confusion

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1 --
2 MR. KIRLIN: And that's --
3 MS. LODES: -- because
4 that's a generic enough definition on
5 modification.
6 MR. HAUGHT: And it
7 potentially would pull in some other
8 --
9 MS. LODES: Right.
10 MR. HAUGHT: -- people who
11 may not be -- right now be aware
12 that they might be pulled in. So I
13 just wanted to give everybody an
14 opportunity to have a chance to
15 review it.
16 MS. MYERS: One quick
17 question. In 31-26 where it's
18 talking about biosolids and sulfur,
19 why are we using long tons per day
20 as opposed to using either metric
21 tons or short tons? That looks like
22 it would add to the confusion and an
23 opportunity for messing up on doing
24 calculations and tracking.
25 MR. KIRLIN: Again, I think

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1 -- I believe this is a very
2 historical number. I'm not sure
3 whether it actually goes --
4 MS. MYERS: Well, I --
5 MS. LODES: Sharon.
6 MS. MYERS: -- I don't know
7 who uses long tons for doing
8 calculations.
9 MS. LODES: Sharon, I think
10 -- is it -- say sulfur production
11 plants do and I think that it's --
12 okay, it's Triple L that is the a
13 mean regulation, isn't it?
14 NSPSLLL which is for a mean
15 plants uses long tons and that has
16 to do with sulfur removal. And so
17 this actually -- by being in long
18 tons goes with the way sulfur is
19 usually treated for sulfur recovery
20 plants type things.
21 MS. MYERS: Okay.
22 MS. LODES: So I think that
23 might cause more confusion if it were
24 not to line up with the federal
25 regulations which are in long tons.

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1 MS. MYERS: Thank you.
2 MS. LODES: Sure.
3 MR. GAMBLE: In
4 31-25(3)(A)(ii) Sulfur Dioxide, and
5 then large, (I), says gaseous fuel
6 containing less than 160 parts per
7 million (inaudible) standard
8 conditions on a dry basis, 0.1
9 percent by weight of sulfur is the
10 only fuel burned. That sulfur, was
11 that meant to be H2S or is that
12 total sulfur? Because 160 is the
13 common NSPS (inaudible) H2S
14 (inaudible). But this doesn't say
15 that.
16 MR. KIRLIN: Okay. You're
17 under the sulfur dioxide?
18 MR. GAMBLE: Yeah. Under
19 the emissions monitoring. You've got
20 opacity in sulfur dioxide and then
21 large Roman Numeral One (I).
22 MR. KIRLIN: Right. I
23 would have to check on that because
24 that's -- again, that's existing
25 language that's -- except most of

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1 these are -- in these sections are
2 more wording changes of trying to
3 move some of the things around. But
4 it does say the existing one gaseous
5 fuel containing less than 0.1 percent
6 by weight sulfur is the only fuel
7 burned. So we could check and see
8 if it would be appropriate to alter
9 that.
10 MS. BOTCHLET-SMITH: Do we
11 have any other questions from the
12 Council?
13 MR. HAUGHT: While you're
14 there, Brooks, at that same -- and
15 this may just be me not being on
16 this in the conversion, but that's
17 got a number of 160 parts per
18 million volume on a dry basis and
19 then it's got the weight .07 weight
20 which is a -- is it going to go to a
21 mass, so are we doing this off
22 ppmv's or by mass weight -- mass
23 basis? Maybe somebody else can --
24 it just looks like a bit of a
25 conflict, it looks like you've got

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1 two different measurements. And I
2 may be wrong on that.
3 MR. KIRLIN: And again, I
4 think -- I believe the -- like I
5 said some of the phrases -- the
6 phrases were moved around to be
7 closer to where they -- like I said,
8 I would have to check and see if
9 that was a calculation that someone
10 inserted there.
11 MR. HAUGHT: It just looks
12 like it's a bit of a conflict there,
13 you have two different units.
14 And then while I've got you,
15 if you would help me kind of
16 understand what the EPA comments and
17 letters -- I mean, I don't think
18 that the letter -- I don't think
19 that letter was unexpected but it is
20 in your comments, you know, EPA
21 appears to want some demonstration
22 that those changes to drop those
23 short-term limits aren't going to,
24 you know, result in a backsliding or
25 aren't going to add to the potential

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1 violation of the NAAQS. So they
2 want it to demonstrate that it's not
3 going to cause backsliding before
4 they would approve it and then in
5 your comments you said you think that
6 the agency will be able to
7 demonstrate it after it's approved.
8 So which is going to come first on
9 that deal? I mean that's -- because
10 again, can't it be approved and put
11 into effect without EPA's approval?
12 MR. KIRLIN: In our normal
13 approach we would -- we change the
14 rule and we submit it to EPA for
15 approval. Obviously we want to work
16 with them in advance so that we're
17 not approving something that they
18 will not approve for inclusion in the
19 SIP. I mean we have a number of
20 rules setting down in Dallas that
21 we've approved that they haven't
22 quite gotten around to ruling on, I
23 guess. So if they don't approve it
24 it would go in their SIP so the
25 existing rule -- it would remain in

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1 the federal rules so federally
2 enforced. But we will put together
3 -- between now and October we intend
4 to write something up.
5 And again, with discussion with
6 EPA they were concerned that because
7 we have a five-minute and a one-hour
8 and a three-hour and a 24-hour and
9 an annual all in there that -- well,
10 they don't have a five-minute
11 standard so because we have a
12 standard that they've -- there's not
13 a corresponding five-minute standard
14 federal then this must be more
15 protected. But we did indicate --
16 in discussions we got to a point
17 where they were saying, okay, well,
18 we see that the math is kind of
19 funny. It would be very difficult
20 to come close to one of these
21 numbers without violating the federal
22 one-hour standard, so we need to
23 demonstrate that.
24 MS. BRADLEY: Excuse me,
25 Brooks. Mr. Haught, for the next

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1 Council meeting you should have a --
2 the demonstration, what we're
3 proposing as evidence to submit to
4 EPA to support our rule change. So
5 at this point we are looking at
6 arguing that the standard applies to
7 a narrow focus of sources or a
8 narrow universe of sources, and also
9 as Brooks just mentioned, that when
10 you look at the standards -- the
11 standards that are currently on the
12 books, would be exceeded by -- there
13 would be an exceedance of the
14 one-hour standard before a source
15 would ever exceed the three-hour, or
16 the five-minute or the 24-hour
17 standard.
18 Regarding your question of
19 whether it's going to be enforceable,
20 once the Council puts it on the
21 books it's enforceable and it becomes
22 effective it's enforceable as a state
23 rule. But to avoid any conflict we
24 are going to work closely with EPA
25 and provide to them the preliminary

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<p>Sheet 8 Page 29</p> <p>1 demonstration of what we will submit 2 along with our official submission of 3 a SIP. We also will make that 4 available to the Council and in 5 conjunction with the rule when we 6 roll it out again in October. So -- 7 MS. LODES: Now did I see 8 the other day where EPA put out a 9 Notice saying they are going to look 10 at the secondary standards for SO2? 11 MS. BRADLEY: Yes, they did. 12 Originally they had proposed a very 13 complex formula involving both the 14 NO2 and SO2 standard. They have 15 officially announced that they have 16 fallen back on the -- what the 17 standard is right now for the 18 secondary standard and they are going 19 to add the one-hour SO2 standard to 20 the existing SO2 standard. Long 21 term, EPA has stated they will put 22 in place a pilot program beginning in 23 2013 in three to five locations 24 across the United States to do 25 monitoring and measure the end point</p>	<p>Page 31</p> <p>1 that was part of the uncertainty that 2 we were trying to deal with. The 3 timing was good. Prior to this 4 meeting we do know that EPA is going 5 to rely on a more traditional form 6 of the SO2 standard for the secondary 7 standard, at least, in the short 8 term. And we won't be dealing with 9 this complex interaction of the two 10 pollutants. And if in fact they do 11 that in 2013 we may be looking at 12 2018 or so before it actually changes 13 again. 14 MS. LODES: Okay. Thank 15 you. 16 MS. BOTCHLET-SMITH: Any 17 other questions from the Council at 18 this time? Okay. 19 First we have a little 20 housekeeping item. Please remember 21 to turn off your cell phones during 22 the hearing. And also some of you 23 have just arrived and I wanted to 24 just remind you that if you decide 25 to make a statement it's best for us</p>
<p>Page 30</p> <p>1 that was originally proposed which 2 comes down to protection of 3 ecosystems that are vulnerable to 4 acidification. Both NO2 and SO2 can 5 result in deposition and 6 acidification to the environment. 7 Since the pilots won't be 8 initiated until 2013, it will take 9 sometime for those studies to 10 actually occur. I think we're 11 looking way out, before these changes 12 will actually effect us -- 13 MS. LODES: Okay. 14 MS. BRADLEY: -- in the 15 long range. So we will be stuck -- 16 well, we will have a known standard 17 at least for the time period until 18 those pilots are conducted. 19 MS. LODES: Okay. I just 20 didn't know if they were about to 21 sit there and change the federal 22 secondary standards anyway so that 23 will make even more sense for us to 24 get rid of ours and just true up. 25 MS. BRADLEY: And really</p>	<p>Page 32</p> <p>1 to have one of these forms filled 2 out and when you take the podium 3 please state your name prior to 4 speaking. 5 Now I just need to clarify 6 this. I do have a notice for a 7 comment from Jean McMahon, and on 8 this it's indicated that the subject 9 matter is sulfur. I just need to 10 know are you wanting to comment on 11 Subchapter 31 or are you wanting to 12 comment on CO2 which is also 13 mentioned? 14 Is Jean McMahon in the 15 audience? 16 And also I just wanted to make 17 a note that comments are limited to 18 five minutes. 19 MS. MCMAHON: Thank you. I 20 live in Ft. Gibson and I -- 21 REPORTER: I'm sorry, you're 22 going to have to speak up. 23 MS. BOTCHLET-SMITH: And 24 please state your name again. 25 MS. MCMAHON: Jean McMahon,</p>

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1 I live in Ft. Gibson. That's where
2 the Muskogee coal plant is located.
3 I'm concerned about that as well as
4 the Lafarge Plant in Catoosa that
5 will be burning hazardous waste and
6 part of that is SO2 emissions.
7 As far -- I found a study
8 relating to the coal plant in
9 Muskogee. In 2006, SO2 emissions
10 were 28,267 tons. There is a study
11 by ABT Associates commissioned by the
12 Clean Air Task Force, a nonprofit
13 research advocacy group. And they're
14 discussing plain particle pollutions
15 which consist of complex mixtures of
16 soot, heavy metals, sulfur dioxide,
17 nitrogen oxide. Conclusions were
18 that to the people of Muskogee you
19 could attribute 62 deaths; 92 heart
20 attacks; 1,000 asthma attacks;
21 chronic bronchitis, 37; asthma ER
22 visits 62. So I hope you adopt some
23 stringent guidelines.
24 Also discussing the situation
25 of just the environment it's bad

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1 because of global warming. The trees
2 are going to be stressed from heat
3 and drought and it's only going to
4 get worse, so they don't need acid
5 rain on them.
6 As far as the cement plant, I
7 think that the whole process of
8 allowing the hazardous materials to
9 be burned -- you know, it follows
10 all the rules technically, but you
11 know, the environment is just going
12 to be in big trouble and Tulsa needs
13 to be included. How is Tulsa going
14 to be affected? It's not Catoosa,
15 it's Tulsa. Sulfur oxides, now the
16 plant puts out 10 TPY; sulfur oxides
17 are going to go up to 873. So there
18 needs to be some regulation, some
19 discussion. I come to Tulsa one
20 week a month and I don't want to
21 come when the air is bad, when the
22 ozone alerts are high, when the
23 temperatures are high and all these
24 things are going to be in the air.
25 Thank you.

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1 MS. BOTCHLET-SMITH: Thank
2 you. Ms. McMahon, did that summarize
3 all your comments or did you also
4 want to speak again to the CO2
5 Petition?
6 MS. MCMAHON: I thought that
7 would be later.
8 MS. BOTCHLET-SMITH: It is.
9 MS. MCMAHON: Okay.
10 MS. BOTCHLET-SMITH: I just
11 wanted to know if I needed to keep
12 you in the cue for further comment.
13 Thank you.
14 MS. MCMAHON: Thank you.
15 MS. BOTCHLET-SMITH: Okay.
16 That is the only Notice of Comment I
17 received for Subchapter 31. Is there
18 anyone else in the audience?
19 MR. NUSPL: Yes.
20 MS. BOTCHLET-SMITH: Would
21 you please come up to the podium.
22 MR. NUSPL: Hello. My name
23 is Tony Nuspl. I did submit a --
24 REPORTER: Tony who?
25 MR. NUSPL: Tony Nuspl,

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1 N-u-s-p-l. I'm with the --
2 MS. BOTCHLET-SMITH: Okay.
3 I'm sorry. Are you also wanting to
4 speak about the Petition?
5 MR. NUSPL: No. Not about
6 the global warming.
7 MS. BOTCHLET-SMITH: Okay.
8 Sorry about that.
9 MR. NUSPL: I'm here mostly
10 to express a couple of concerns about
11 the air quality in general here in
12 Tulsa but I would like to also make
13 some particular comments about sulfur
14 dioxides and the hazardous waste
15 being -- planned to be burned at the
16 Lafarge Cement Plant.
17 So according to information
18 that I have from the Sierra Club the
19 general air quality here is fairly
20 poor. We're looking at 79 parts per
21 billion in general and the Sierra
22 Club says that's pretty dangerous for
23 everyone's health. And, you know, we
24 have a number of bad air days in
25 Tulsa. I think we're up to 17 a

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<p>Sheet 10 Page 37</p> <p>1 year and I think you might have had 2 some personal experience with some 3 tightness in the chest or something 4 from the ozone.</p> <p>5 So there's some general 6 concerns about the air quality here. 7 And I wouldn't want to see any 8 regulation passed that would allow 9 that air quality to deteriorate any 10 further. And particularly, I'm one 11 of the citizen interveners who have 12 objected legally, forcefully, using 13 our rights as citizens to the plant 14 burning of hazardous waste at Lafarge 15 and we've objected to the air permit 16 that was granted.</p> <p>17 As was mentioned by Jean 18 McMahon, the sulfur dioxides are 19 going to increase dramatically 20 according to the DEQ's own figures. 21 Again, we have estimates of what are 22 currently emitted at the plant and 23 they don't seem to be anything too 24 -- too dangerous at the moment 25 because they're not burning this new</p>	<p>Page 39</p> <p>1 to something deleterious to their 2 health. At the moment 2.5 PM is 3 coming out at 0.87 tons per year. 4 But if they are allowed to burn the 5 hazardous waste which you're calling 6 alternative fuel in this regulation, 7 there will be 293 tons per year of 8 2.5 micron or less of particulate 9 matter coming out. Now these are 10 the smallest particulate matters that 11 not only lodge in your lung but go 12 through the alveoli, get into the 13 blood of your body, go through the 14 blood/brain barrier and cause cancers 15 and other problems.</p> <p>16 MS. LODES: Excuse me. 17 MR. NUSPL: Yes. 18 MS. LODES: The rule on the 19 Agenda right now is for SO2. 20 MR. NUSPL: Yes. 21 MS. LODES: And so we need 22 -- and part of that -- and Beverly 23 can help with that, is that we need 24 to make sure our comments address the 25 rules that are on the Agenda. If</p>
<p>Page 38</p> <p>1 alternative fuel that they are 2 planning to use in the future. At 3 the moment, we're looking at 10 tons 4 per year of sulfur dioxide coming out 5 of the stacks but they want to 6 increase that to 873 tons per year 7 coming out of the stacks. That's a 8 huge increase.</p> <p>9 In general, the particulate 10 matter will increase what's coming 11 out of this cement plant and it will 12 increase by about 20 fold on average.</p> <p>13 If I could bend your ear on 14 another issue here on a particulate 15 matter. I've learned quite a bit 16 about particulate matter in the last 17 few months and I've learned to be 18 quite concerned about the very small 19 particulate matter, the very fine 2.5 20 microns or less particulate matter. 21 This PM level right now at the 22 Lafarge plant that's coming out is 23 probably not of that great a concern, 24 although people I know living around 25 the plant feel they are being exposed</p>	<p>Page 40</p> <p>1 you wanted to discuss other matters 2 outside of that, that needs to go in 3 the new business portion of the --</p> <p>4 MR. NUSPL: I'd be happy to 5 come back and talk about that at 6 length at New Business, if you will 7 have me back. I will get back to 8 the regulation itself.</p> <p>9 MS. LODES: Okay. 10 MR. NUSPL: Let me point 11 out in Section 31.2 under 12 definitions, an alternative fuel 13 you've mentioned waste derived fuel. 14 But nowhere in this regulation do you 15 define what waste derived fuels are. 16 And I would like to see you exclude 17 hazardous material from that 18 definition. In particular what seems 19 to be a concern is so called waste 20 derived fuels that have a high 21 chlorine content. When we look at 22 those kinds of waste derived fuels 23 what you get are a number of 24 deleterious things to your health 25 including the possibility of dioxins</p>

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1 and furans coming out of the stacks.
2 So there's a problem there in your
3 definitions that I would like to see
4 addressed.
5 And then going on a little bit
6 further under Part 5, Section 31-25,
7 it looks like Section (D) when the
8 combinations of fuels are burned.
9 It's a complicated formula you have
10 here for allowing when or when not
11 to allow the alternative fuel to be
12 burned as a mixture. Because let's
13 put this clearly. If you use a
14 hazardous material there probably
15 won't be enough heat content in that
16 you will have to use other fuels to
17 keep that burning at the rate that
18 you expect and to get the
19 efficiencies that you're hoping for.
20 So you do mention in this paragraph
21 that there has to be a BTU heat
22 input from the fuel including whether
23 it's gas, solid, or liquid. Now
24 wouldn't it be simpler if you simply
25 said that there must be a minimum

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1 BTU content to the fuels being
2 burned?
3 The concern here is that
4 Lafarge is going to call things
5 alternative fuels or fuel called
6 quality waste which will not have
7 sufficient BTU (inaudible). And what
8 will happen as a result is the
9 burning efficiency will be much
10 lower, the amount of particulate
11 matter coming out of the stacks will
12 be much higher, the amount of sulfur
13 dioxide will be much higher so the
14 health affects will be much greater.
15 So again, what I'm suggesting
16 is that you make a simpler rule that
17 hazardous waste be excluded from your
18 definition of alternative fuels. And
19 then secondly in this paragraph, that
20 if you're going to allow alternative
21 fuels to be burned that they have a
22 minimum BTU content.
23 Then finally in this rule, I'd
24 like to get to Paragraph 31-25, it's
25 towards the end. Again, this is

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1 Section (4) on alternative fuels and
2 the number of criteria that have to
3 be met in order for alternative fuel
4 to be used. Again according to my
5 understanding that regulation reads
6 the alternative fuels include
7 hazardous materials at this point.
8 What I would like to see is
9 independent monitoring by the DEQ of
10 a facility like Lafarge which is
11 engaging in an experiment -- a
12 long-term experiment, the end results
13 of which we do not know what they
14 will be. They're looking at a huge
15 increase in pollution and you're
16 asking them, according to the
17 regulations, to do their own
18 monitoring. I would think that a
19 responsible company wouldn't have
20 even thought of burning hazardous
21 waste in this way. I'm afraid the
22 company looks like it's masquerading
23 as an incinerator and it will be if
24 it makes this change. And therefore,
25 it's really bending the rules, it

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1 might be skirting underneath some of
2 the limits that the EPA expects, or
3 the DEQ. But I would think that the
4 government -- the Department of
5 Environmental Quality here in
6 Oklahoma should make an effort to
7 independently monitor that.
8 MS. BOTCHLET-SMITH: Thank
9 you, Mr. Nuspl. We did have a five
10 minute time limit.
11 MR. NUSPL: Yes.
12 MS. BOTCHLET-SMITH: I would
13 like to remind everyone and I think
14 this is what Laura was covering, that
15 we like to take our comments as they
16 pertain to the rule that's currently
17 being debated. It helps the Court
18 Reporter and it helps us when we
19 need to go back and respond to
20 comments, for us to have that
21 organized in that manner. I
22 understand some of you may want to
23 comment on more than one rule and
24 that's fine. You know, we'll work
25 with you to do that but we need to

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<p>Sheet 12 Page 45</p> <p>1 try to get those comments separate. 2 I understand there's a couple 3 of people here that want to comment, 4 as Mr. Nuspl, on Lafarge which is 5 really a permit issue and it's not 6 business of the Council. However, we 7 will allow you to speak on that 8 during new business. 9 MR. NUSPL: Yes. Thank 10 you. That seems obvious to me as a 11 member of the public that sulfur 12 dioxide emissions will be increased 13 from Lafarge and therefore is 14 relevant. Let me if I may, submit 15 some numbers from the DEQ to the 16 Members of the Council -- 17 MS. BOTCHLET-SMITH: If you 18 have some written comments that you 19 would like to submit we would be 20 more than happy to take those from 21 you. 22 MR. NUSPL: Thank you. 23 MS. BOTCHLET-SMITH: Thank 24 you. 25 MR. NUSPL: Thank you for</p>	<p>Page 47</p> <p>1 of Sulfur Compounds and we're going 2 to speak to that particular rule; is 3 that correct? 4 MS. GEARY: That is correct. 5 MS. BOTCHLET-SMITH: Okay. 6 And could I get your name please? 7 MS. GEARY: I'm Bea Geary 8 and I didn't fill out one of those 9 forms. 10 MS. BOTCHLET-SMITH: Okay. 11 If you could limit your comments at 12 this time to Subchapter 31. And I 13 notice that you've also noted that -- 14 excuse me, that you wanted to speak 15 about global warming. 16 MS. GEARY: Later. 17 MS. BOTCHLET-SMITH: Global 18 warming is later in the Agenda. 19 MS. GEARY: Right. And 20 I'll try to be very brief. 21 MS. BOTCHLET-SMITH: All 22 right. Thank you, very much. 23 MS. GEARY: And I might say 24 a couple of words you're not 25 expecting to hear, such as that I</p>
<p>Page 46</p> <p>1 your time. Should I distribute them 2 individually or -- 3 MS. LODES: If you will 4 provide them to Beverly she will be 5 happy to -- 6 MS. BOTCHLET-SMITH: I'll 7 take them and then -- okay, we'll 8 pass these out to the Council. Do 9 you want this entered into the record 10 -- 11 MR. NUSPL: Yes. Please. 12 MS. BOTCHLET-SMITH: -- as 13 part of your comments? 14 MR. NUSPL: Yes. Please. 15 MS. BOTCHLET-SMITH: And so 16 I'll give a copy to the Court 17 Reporter. Okay. Thank you very 18 much. That's the last commenter I 19 have that has indicated they want to 20 speak on Subchapter 31. 21 MR. NUSPL: Excuse me, 22 there's another (inaudible). 23 MS. BOTCHLET-SMITH: Okay. 24 I just want to make sure that 25 Subchapter 31 is Control of Emissions</p>	<p>Page 48</p> <p>1 consider Tulsa an ecosystem that is 2 very vulnerable to an overload of 3 toxins in our air from many sources. 4 And there's little opportunity for a 5 citizen to comment on what is 6 happening to our air. I am also one 7 of the petitioners objecting to the 8 granting of an air permit to a Tulsa 9 source and I understand you're not in 10 a permitting meeting here. I'm 11 referring again to Lafarge as you 12 might expect. 13 Lafarge claims now that they 14 emit 10 tons per year of sulfur 15 dioxide. If they burn hazardous 16 waste they claim they will or will 17 probably emit 873 tons per year. 18 What I would like to know is does 19 the DEQ monitor the test burn by 20 Lafarge? Do they continuously 21 monitor not only the sulfur dioxide 22 but all the toxic emissions from 23 loading the fuel -- the hazardous 24 waste, from the stack and from the 25 kiln dust and do -- does the EPA</p>

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<p>Sheet 13 Page 49</p> <p>1 monitor the effect on the health of 2 Tulsans? Thank you.</p> <p>3 MS. BOTCHLET-SMITH: Thank 4 you for your comments. Again, if 5 you're really making any comments 6 about this permit, I mean we need to 7 do that in new business. Thank you.</p> <p>8 Are we ready for questions from 9 the Council? Any followup questions 10 you might have on Subchapter 31? I 11 don't believe we have any. Are you 12 ready for a motion?</p> <p>13 MS. LODES: Yes. The DEQ 14 has requested that we carry this over 15 to the October meeting to finish the 16 clarifications with EPA. Do I have 17 a motion?</p> <p>18 MS. MYERS: I'll make a 19 motion.</p> <p>20 MR. BRANECKY: Second. 21 MS. LODES: I have a motion 22 and a second. Will you please call 23 the roll.</p> <p>24 MS. MARSHMENT: Laura Lodes. 25 MS. LODES: Yes.</p>	<p>Page 51</p> <p>1 Agenda is OAC 252:110 Lead-Based 2 Paint Management. And the 3 presentation on this will be done by 4 Laura Finley, staff attorney for DEQ.</p> <p>5 MS. FINLEY: Hello. As 6 Beverly said, my name is Laura 7 Finley, and I'm one of the attorneys 8 for the Air Quality Division. I 9 will be presenting for your 10 consideration the adoption of our 11 changes to OAC Title 252, Chapter 110 12 to adopt the Federal Renovation, 13 Repair, and Painting Rules, or the 14 RRP rules.</p> <p>15 We are seeking to obtain 16 delegation from EPA of the Federal 17 RRP Program. Today we will be 18 asking you to consider but hold over 19 until October the adoption of these 20 rule changes because on July 15, 21 2011, EPA released revisions to the 22 Federal RRP Rules. Given the notice 23 requirements and in order to allow 24 the public, and our staff, and the 25 Council to review these federal rule</p>
<p>Page 50</p> <p>1 MS. MARSHMENT: Jim Haught. 2 MR. HAUGHT: Yes. 3 MS. MARSHMENT: Bob Lynch. 4 DR. LYNCH: Yes. 5 MS. MARSHMENT: Gary 6 Collins. 7 MR. COLLINS: Yes. 8 MS. MARSHMENT: David 9 Branecky. 10 MR. BRANECKY: Yes. 11 MS. MARSHMENT: Sharon 12 Myers. 13 MS. MYERS: Yes. 14 MS. MARSHMENT: David 15 Gamble. 16 MR. GAMBLE: Yes. 17 MS. MARSHMENT: Montelle 18 Clark. 19 MR. CLARK: Yes. 20 MS. MARSHMENT: Pete White. 21 MR. WHITE: Yes. 22 MS. MARSHMENT: Motion 23 passed. 24 MS. BOTCHLET-SMITH: Thank 25 you, Nancy. The next item on the</p>	<p>Page 52</p> <p>1 changes we are asking that you hold 2 over the vote on this until October. 3 I'll begin with a quick 4 overview of the rule changes that we 5 are proposing. As you know, the 6 adoption of the RRP Rule will allow 7 the DEQ to receive delegation from 8 EPA to run this program in this 9 state. The requirements of the 10 Federal RRP rule are already in 11 effect and being enforced in Oklahoma 12 by EPA so that our adoption of the 13 program only changes the entity 14 that's enforcing those rules, from 15 EPA to DEQ.</p> <p>16 More specifically, the RRP 17 Rules establish accreditation, 18 training, certification, and 19 recordkeeping requirements for 20 persons performing renovations for 21 compensation in pre-1978 22 child-occupied facilities and 23 housing. The changes being proposed 24 today are no more or less stringent 25 than the Federal rules. Actually we</p>

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<p>Sheet 14 Page 53</p> <p>1 are also -- largely, we are simply 2 incorporating by reference the 3 federal rules.</p> <p>4 We are also adding a new 5 Subchapter 15, which essentially 6 allows us to tailor certain of the 7 federal requirements to fit into our 8 state regulatory scheme. And those 9 predominantly deal with the payment 10 of fees and the accreditation of 11 training facilities.</p> <p>12 Regarding fees, we have made 13 some changes to the rule since it 14 was last presented to the Council in 15 January. For example, the rule now 16 allows for essentially a fee waiver 17 for firms or renovators who have an 18 existing certification through EPA. 19 The firms and renovators will be 20 required to register with DEQ, but 21 will not be required to pay a 22 certification fee until their 23 existing certification expires.</p> <p>24 We received comments about that 25 provision in January and we believe</p>	<p>Page 55</p> <p>1 their website, ads in newspapers and 2 trade publications, as well as radio 3 PSAs. They are also targeting three 4 areas in Oklahoma that have higher 5 blood lead levels for a more 6 intensive outreach; and DEQ will be 7 targeting certain areas and groups 8 for a more -- for outreach once the 9 program is approved. We don't 10 anticipate that the lack of awareness 11 of these rules will be a significant 12 problem as again these rules have 13 been in place and being enforced by 14 EPA for quite some time.</p> <p>15 The proposed rule was published 16 in the Oklahoma Register on May 19, 17 2011. We asked for written comments 18 and received only one, which was a 19 letter in support of the proposal 20 from EPA and I believe that was 21 included in your packets. As I 22 mentioned before we are asking that 23 you delay the vote on this rule 24 until the October Council meeting to 25 allow the staff, the Council, and the</p>
<p>Page 54</p> <p>1 that this change has remedied that 2 issue.</p> <p>3 We also received comments 4 during the January meeting regarding 5 an increase in certified firms and 6 renovators and, therefore, an 7 associated increase in workload for 8 the DEQ Lead-Based Paint staff. In 9 response to that concern, EPA records 10 show that Oklahoma has only 914 11 certified renovation firms and 8,367 12 EPA certified renovators.</p> <p>13 Because the rules that we are 14 proposing today in no way change the 15 RRP program, we don't anticipate an 16 increase in firms or renovators, nor 17 do we anticipate a need for an 18 increase in staff to handle this 19 program.</p> <p>20 There was also some concern at 21 the January meeting regarding 22 awareness by the regulated community 23 of these requirements. And EPA has 24 been doing a great deal of outreach 25 including brochures available on</p>	<p>Page 56</p> <p>1 public time to assure that our 2 proposed rule comports with the 3 recent federal changes. And that's 4 all I have at this time.</p> <p>5 MS. BOTCHLET-SMITH: Do we 6 have any questions from the Council?</p> <p>7 MR. COLLINS: I've got a 8 question. Does the current term for 9 the certification, is that five years 10 right now --</p> <p>11 MS. FINLEY: Yes.</p> <p>12 MR. COLLINS: -- for the 13 EPA? Okay. Is that also the same 14 or similar in cost?</p> <p>15 MS. FINLEY: The 16 certification fee?</p> <p>17 MR. COLLINS: Yeah.</p> <p>18 MS. FINLEY: It is. Yes. 19 It's the same.</p> <p>20 MR. COLLINS: Thank you.</p> <p>21 MS. BOTCHLET-SMITH: Any 22 further comments from the Council 23 today on lead-based paint? Is there 24 anyone in the public that has a 25 comment on the lead-based paint</p>

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<p>Sheet 15 Page 57</p> <p>1 rules? 2 Laura, seeing and hearing none, 3 it's yours. 4 MS. LODES: DEQ has 5 recommended that we carry this 6 forward. Do I have a motion? 7 MS. MYERS: I'll make a 8 motion to carry it forward to the 9 October meeting. 10 MR. GAMBLE: Second. 11 MS. LODES: I have a motion 12 and a second. Nancy, would you 13 please call the roll. 14 MS. MARSHMENT: Laura Lodes. 15 MS. LODES: Yes. 16 MS. MARSHMENT: Jim Haught. 17 MR. HAUGHT: Yes. 18 MS. MARSHMENT: Bob Lynch. 19 DR. LYNCH: Yes. 20 MS. MARSHMENT: Gary 21 Collins. 22 MR. COLLINS: Yes. 23 MS. MARSHMENT: David 24 Branecky. 25 MR. BRANECKY: Yes.</p>	<p>Page 59</p> <p>1 was going to be a presentation. I 2 don't know if that person has arrived 3 or not. 4 Madam Chair, Members of the 5 Council, good morning. For the 6 record my name is Rob Singletary and 7 I'm the Supervising Attorney for the 8 Air Quality Division at the DEQ. 9 Today I have the responsibility of 10 presenting to the Council a Petition 11 for Rulemaking that the Agency 12 recently received. As I'm sure the 13 Members of the Council are aware 14 Section 305 of the Oklahoma 15 Administrative Procedures Act allows 16 interested persons to petition an 17 administrative agency to promulgate 18 rules. Specifically, Section 305 19 provides an interested person may 20 petition an agency requesting the 21 promulgation, amendment, or repeal of 22 a rule. And each agency shall 23 prescribe by rule the form for 24 petitions and the procedure for their 25 submission, consideration and</p>
<p>Page 58</p> <p>1 MS. MARSHMENT: Sharon 2 Myers. 3 MS. MYERS: Yes. 4 MS. MARSHMENT: David 5 Gamble. 6 MR. GAMBLE: Yes. 7 MS. MARSHMENT: Montelle 8 Clark. 9 MR. CLARK: Yes. 10 MS. MARSHMENT: Pete White. 11 MR. WHITE: Yes. 12 MS. MARSHMENT: Motion 13 passed. 14 MS. BOTCHLET-SMITH: The 15 next Item on the Agenda is Number 16 4C. This is Consideration of and 17 Action on the Petition for Rulemaking 18 from Kids Versus Global Warming. Mr. 19 Rob Singletary, who is our Attorney 20 Supervisor will be making the staff 21 presentation and then I believe that 22 there is another presentation 23 pending. Is that correct, Rob? 24 MR. SINGLETARY: Well we did 25 receive Notice yesterday that there</p>	<p>Page 60</p> <p>1 disposition. 2 DEQ's related rule at OAC 3 252:4-5(2)(b) states that any person 4 may file a petition with the DEQ 5 formally requesting the adoption, 6 amendment, or revocation of one or 7 more rules. The DEQ rule goes on 8 that the DEQ shall refer a filed 9 petition to the appropriate council 10 for review and the petition referred 11 to the Council shall be set on the 12 Agenda of the next available Council 13 meeting for action. 14 On May 6th of this year, DEQ 15 received a Petition for Rulemaking 16 from an organization called Kids 17 Versus Global Warming. On May 11th 18 of this year, DEQ sent a letter 19 informing the petitioner that the 20 Petition would be placed on the 21 Agenda for the next Air Quality 22 Advisory Council meeting that was set 23 for today. As a result of the short 24 period between -- the short period of 25 time between the receipt of the</p>

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1 Petition and this Council meeting
2 there was insufficient time for DEQ
3 staff to evaluate the Petition and to
4 file a Notice of Rulemaking Intent,
5 that has to be filed with the
6 Secretary of State's office within a
7 required time for proper rulemaking.
8 As a result after consideration
9 of the Petition today, the Council
10 will have two options. The Council
11 can choose to deny the Petition
12 outright, or the -- and therefore not
13 initiate a rulemaking. Or the
14 Council may proceed with the
15 rulemaking process and set the
16 Petition for hearing at the next
17 Council meeting which would give the
18 Agency time to file the Notice of
19 Rulemaking Intent. And at that time
20 the Council would be free to modify
21 the proposed rule or even recommend
22 the proposed rule as is to the Board
23 if it so decides.
24 The specifics related to this
25 Petition for Rulemaking are one that

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1 is brought in the name of Alec and
2 Victoria Lours (ps) and also in the
3 name of Kids Versus Global Warming.
4 Kids Versus Global Warming represents
5 itself as a nonprofit membership
6 organization viewed from all over the
7 county that are concerned with the
8 issue of climate change.
9 The Petition is titled for the
10 promulgation of a rule to strictly
11 limit and regulate fossil fuel,
12 carbon dioxide emissions, and to
13 establish an effective emissions
14 reduction strategy that will achieve
15 an atmospheric concentration no
16 greater than 350 ppm of carbon
17 dioxide by 2100.
18 Appendix 2 of the Petition
19 includes specific language for the
20 proposed rule. The proposed rule
21 would require the agency to comply
22 with several proposed obligations by
23 certain deadlines. The proposed rule
24 would require the DEQ to ensure that
25 CO2 emissions in the State of

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1 Oklahoma peak in 2012. It would
2 also require that the DEQ reduce
3 statewide CO2 emissions by at least
4 six percent each year starting
5 January 1, 2012. The proposed rule
6 would also require DEQ to adopt a
7 greenhouse gas reduction plan by
8 January 1st of 2012 and also require
9 the agency to issue any progress
10 reports that would include an
11 accounting and inventory of every
12 greenhouse gas sources within the
13 state without exception. These
14 reports would be required to be
15 verified by an independent third
16 party and these reports would be
17 required to be published on the DEQ
18 website no later than December 31st
19 of each year beginning in 2012.
20 Lastly, the proposed rule would
21 require the agency to report total
22 greenhouse gas emissions for the
23 preceding year and totals for each
24 major category to the Governor and to
25 certain members of the legislature by

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1 December 31st of each year beginning
2 this year in 2011.
3 That concludes my presentation
4 of the Petition. So if you have any
5 questions about the process or the
6 content of the Petition, I will be
7 happy to try and answer those.
8 MS. BOTCHLET-SMITH:
9 Questions from the Council?
10 MR. BRANECKY: Does the DEQ
11 feel that it has the authority to
12 even regulate greenhouse gases from
13 all the sources that have been
14 referred to? They're not limiting it
15 to stationary sources, mobile
16 sources, and agriculture. Does the
17 DEQ even have the ability to do
18 that?
19 MS. LODES: Yeah. The way
20 I read this it's residential. It's
21 -- there is no exclusion.
22 MR. TERRILL: Well, I think
23 we would have to -- it's a resource
24 issue for one thing. I know what
25 you're saying. We would probably

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1 because we don't have the explicit
2 authority we'd have to use some sort
3 of an estimation. And I don't know
4 how we would do that yet but I'm
5 sure there are factors that you could
6 figure in if the Council wanted us
7 to move down this pathway to doing
8 that. But this is much stricter
9 even than what EPA did in their own
10 rulemaking for greenhouse gas
11 reporting. So the resources for us
12 to do this we'd have to calculate
13 into any rule we brought back and
14 there would either have to be a fee
15 attached to it or some other method
16 of paying for it because we don't
17 have the staff to do this type of an
18 inventory.

19 The third party aspect is
20 another thing that EPA did not
21 require. They talked about it but
22 the cost for doing that was going to
23 be prohibitive so they elected not to
24 require third party auditing. Again
25 we'd either have to -- if the

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1 Council chose to ask us to do a rule
2 we would have to have a provision in
3 there that would ask the sources to
4 pay for a third party audit. And we
5 think that would run somewhere
6 between -- I think \$5,000.00 is one
7 of the cheaper ones that I've seen
8 up to 50,000 or more to do a complex
9 facility third party audit.

10 MR. BRANECKY: But there is
11 no way we can meet the timeline this
12 suggests.

13 MR. TERRILL: It would be
14 very difficult to meet the timeline.

15 MS. LODES: I think you've
16 mentioned this in the past and
17 correct me if I'm wrong. But if
18 this rule is -- if we propose a rule
19 more stringent than a federal rule
20 doesn't the legislature have to
21 actively approve that rule?

22 MR. TERRILL: They would
23 have to anyway. What would happen
24 is if the Board -- if we brought a
25 rule back and the Board passed -- or

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1 the Council passed it, it would go
2 to the Board, the Board would have
3 to pass it, and then it would have
4 to be approved -- affirmatively
5 approved by both legislature and
6 signed by the Governor. So it's a
7 fairly stringent process now.

8 That is correct, isn't it, Rob?

9 MR. SINGLETARY: Well,
10 actually I think we're prevented from
11 --

12 MR. TERRILL: Doing
13 anything?

14 MR. SINGLETARY: -- issuing
15 a rule that is more stringent than
16 the federal requirements.

17 MS. LODES: Okay. So this
18 -- so we couldn't even pass this
19 rule since it would be significantly
20 more stringent than the mandatory
21 reporting rule that EPA has
22 promulgated in the Tailoring Rule?

23 MR. SINGLETARY: We'd have
24 to look at it but from Eddie's
25 comments and from the brief look that

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1 I did in Part 98 of the CFR's -- the
2 mandatory reporting requirements for
3 greenhouse gases it appears to be
4 more stringent and that could be
5 problematic.

6 MS. LODES: Like I said my
7 -- I've been working on the mandatory
8 reporting rule stuff and this will be
9 -- the third party audit, the fact
10 that there is no exclusion on the
11 size of the sources, and things like
12 that, this would be significantly
13 more stringent than anything on the
14 federal level.

15 MR. SINGLETARY: Well, then
16 we would also have the greenhouse gas
17 reduction plan requiring reductions
18 by six percent each year which would
19 be --

20 MS. LODES: Which there's --

21 MR. SINGLETARY: -- obviously
22 would be more stringent than any
23 federal requirement since there isn't
24 (inaudible).

25 MS. LODES: There is no

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1 federal requirement. Yeah. Okay.
2 So we are prevented from passing
3 anything more stringent than federal
4 regulation?
5 MR. SINGLETARY: It appears
6 that way but I think before I say
7 that categorically I'd like to take a
8 better look at it and compare it to
9 any federal requirements that are out
10 there. But it does seem like that
11 would be a problem.
12 MS. LODES: I mean if they
13 -- I know the reduction and the
14 third party audit make it absolutely
15 more stringent than the federal
16 regulations, but I didn't know if we
17 could even pass something more
18 stringent than the federal
19 regulations. Okay.
20 MS. BOTCHLET-SMITH: Other
21 comments from the Council? Okay.
22 MR. GAMBLE: (Inaudible)
23 that other -- other states -- that
24 all states received a similar
25 petition?

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1 MR. SINGLETARY: There was a
2 large group of states across the
3 country that received petitions. I
4 believe the number was in the
5 thirties -- petitions for rulemaking
6 and then there was another group of
7 states that were actually -- a
8 lawsuit was filed against those
9 states for the same type of
10 rulemaking with the same type of
11 action.
12 MR. BRANECKY: Yeah. It
13 seems to me like controlling by
14 states is probably not the best. I
15 mean this is a global issue. And --
16 So controlling Oklahoma and not
17 controlling Kansas or Arkansas that I
18 don't know how much you would gain
19 by doing that.
20 MS. LODES: I mean, yeah, I
21 think that would just hurt Oklahoma
22 economically but do nothing to solve
23 the real global issue.
24 MR. CLARK: It's not a hot
25 spot issue with this like there are

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1 with some pollutants. That's not a
2 localized aspect of this.
3 MS. LODES: Right. Not
4 with greenhouse gases, it's a global
5 issue. So it's not -- that's what I
6 mean if we do nothing -- I mean we
7 can do as much as we want, if China
8 does nothing or India does nothing
9 then it doesn't -- that's been part
10 of the whole -- Copenhagen and
11 everybody else has complained about.
12 It's got to be everybody. And it
13 definitely has to be everybody on a
14 nationwide, at least, perspective
15 because I don't see how -- if we do
16 nothing -- if we do a real stringent
17 rule all that's going to happen is
18 Texas and Kansas don't have it we're
19 -- we aren't going to see any
20 benefits.
21 MR. CLARK: Rob, I don't
22 know if this is reaching too far,
23 but we're suing the federal
24 government on the endangerment
25 finding -- District Attorney General

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1 is suing the federal government. Is
2 there any -- does that bring up any
3 potential conflicts on something like
4 this? I mean does that look a
5 little bit -- you know, it looks a
6 little bit odd to me that we might
7 potentially pass a rule like this yet
8 we're also suing.
9 MR. SINGLETARY: I think it
10 -- I mean they're obviously -- the
11 DEQ and the Attorney General's office
12 are two separate state agencies or
13 state bodies but we both speak for
14 the State of Oklahoma in certain
15 respects. So, you know, that would
16 probably be something that needs to
17 be considered.
18 MR. BRANECKY: Well, and
19 like Laura said if we did pass
20 something it has to go through the
21 Environmental Quality Board, the
22 Legislature, and the Governor and the
23 chances of getting it passed --
24 MS. LODES: Right. I mean
25 how much resources are we asking the

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1 Air Quality Division to spend even to
2 develop a rule that's not going to
3 have much of a chance through the
4 Environmental Quality Board if it
5 could even make it through there,
6 would it make it through our
7 Legislature and the Governor?
8 MR. SINGLETARY: Not at --
9 MS. LODES: Not if the
10 Attorney General is suing, so we're
11 basically wasting Eddie's staffs'
12 time and money is my concern, if we
13 can't -- if it's not going to go
14 anywhere.
15 MS. MYERS: I don't really
16 see this as a viable option at this
17 time for the State of Oklahoma to
18 make a move on a rule proposed like
19 this.
20 MS. LODES: Right. And
21 that's what -- I mean with everything
22 in flux I don't see how we could --
23 I think we'd just waste resources
24 instead of trying to solve any
25 environmental issues.

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1 MS. MYERS: And still not
2 be able to get anything done with
3 it.
4 MS. LODES: Right.
5 MR. CLARK: Well we do have
6 an EPA process on the way for --
7 MS. LODES: Right. I mean
8 the Tailoring Rule has been fully --
9 one of the last trigger dates for
10 the Tailoring Rule was July 1. So
11 you have to obtain a PSD permit
12 right now for greenhouse gases, so if
13 you're going to do any kind of
14 increase, that's in place under the
15 PSD regulations. Next year anybody
16 -- everybody has to make sure that
17 they've got their Title 5
18 Applications filed for greenhouse
19 gases so there is -- I mean there
20 are EPA regulations in the process
21 for greenhouse gases.
22 MR. CLARK: Aren't we
23 expecting some second part of this in
24 September or something?
25 MS. LODES: That's the

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1 mandatory reporting rule. September
2 is the first round of reporting.
3 MR. CLARK: Okay.
4 MS. LODES: And that does
5 kick in September 31st (sic) of this
6 year?
7 MR. TERRILL: For calendar
8 year 2010.
9 MS. LODES: Yeah.
10 MR. HAUGHT: There is
11 already a national inventory outgoing
12 that will have Oklahoma in it.
13 MS. LODES: Right. Right.
14 All the stationeries -- the first
15 group of stationary sources subject
16 to mandatory reporting rule will
17 report this year.
18 MR. CLARK: Do you know how
19 many sources in Oklahoma that
20 includes?
21 MS. LODES: Quite a few.
22 It doesn't capture as inclusive as
23 next year's report will, because for
24 reporting year 2011 you're going to
25 fully impact the oil and gas

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1 industry. The 2010 report is mainly
2 going to hit the larger facilities
3 and the big combustion sources and
4 it's going to hit the really big
5 facilities. Right now the way the
6 rule -- the mandatory reporting rule
7 reads you're going to get a whole
8 another group for reporting year
9 2011. I heard that there was a
10 proposal today that extends the
11 report for next year from March 31
12 to September 30 because EPA is still
13 trying even to develop their web
14 based program for doing the reports.
15 But everybody will report up to EPA.
16 And it's -- there's a nationwide
17 methodology for how you estimate
18 emissions and you can only do it
19 certain ways.
20 MR. BRANECKY: And that's
21 got to be the first step. I mean if
22 you're going to start requiring a
23 percent of reduction, off of what?
24 (Multiple inaudible conversations)
25 MS. LODES: Yeah.

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<p>Sheet 20 Page 77</p> <p>1 MR. GAMBLE: Establish a 2 baseline. 3 MS. LODES: Right. 4 MR. GAMBLE: And you know 5 that takes time. 6 MS. LODES: Right. And you 7 have to know what you've got based 8 off of a consistent set of 9 calculation methodologies. I mean 10 right now people may have estimated 11 them but who's calculating them how? 12 So it's really only September of this 13 year and maybe next year and I think 14 probably even a year after that 15 before we'll start to get a 16 consistent nationwide inventory. 17 MR. CLARK: I guess I'd 18 like to hear from -- do we have a 19 presenter today at all here yet? 20 MS. BOTCHLET-SMITH: Well, I 21 was just getting ready to ask if the 22 gentleman who was going to present 23 has joined us that was representing 24 the petitioners? 25 Rob, do you know his name?</p>	<p>Page 79</p> <p>1 Americans rely on oil and natural gas 2 to heat and cool their homes and to 3 fuel the vehicles to get them where 4 they need to go. Many may not 5 realize how truly vital this resource 6 is in our daily lives beyond the 7 fuel for residences and 8 transportation. From health care to 9 agricultural to electronics, oil and 10 natural gas contribute in ways most 11 of us haven't even imagined. Oil 12 and natural gas are integral 13 components to the products that help 14 cure illness and help keep us 15 healthy. They provide building 16 blocks for the development of 17 manufacturing of lifesaving 18 medicines; polymers derived from oil 19 and natural gas are used in virtually 20 every aspect of healthcare from 21 replacement joints to pacemakers. 22 In addition to keeping us 23 healthy oil and natural gas polymers 24 are essential to manufacturing 25 components used in solar panels and</p>
<p>Page 78</p> <p>1 MR. SINGLETARY: No. I 2 wasn't given the -- I just told 3 there would be a representative here. 4 They didn't say who it was going to 5 be. 6 MR. CLARK: Could we hear 7 the public comments before we 8 continue our discussion. 9 MS. BOTCHLET-SMITH: I guess 10 we can go to public comments and 11 I'll ask one more time for -- in 12 case the petitioner's representative 13 shows up and then we'll go back to 14 the Council. 15 The first commenter is Angie 16 Burkhalter. 17 MS. BURKHALTER: My name is 18 Angie Burkhalter and I represent the 19 Oklahoma Independent Petroleum 20 Association. From the energy and 21 manufacturing plants, to the 22 fertilizer on the farm, to the 23 building blocks for tomorrow's 24 medicines, oil and natural gas is 25 part of almost everything we do.</p>	<p>Page 80</p> <p>1 wind turbines. And since we can't 2 always rely on wind and sun natural 3 gas provides a clean efficient source 4 always available, on demand 5 electricity to back up renewables. 6 Lightweight petroleum based 7 composites allow aircraft and other 8 vehicles to travel farther on less 9 fuel. And advanced engine and fuel 10 technologies promise improved fuel 11 economy for American drivers. When 12 you stop and think about it, it's 13 amazing how many things get their 14 start from oil and natural gas. 15 Thousands of products from your 16 toothpaste to your Ipod, your cell 17 phone to your computer, and your 18 vitamins to your vegetables, all get 19 their start from oil and natural gas. 20 In addition to the products supported 21 by the oil and natural gas industry, 22 the industry also supports nearly 9.2 23 million American jobs and generates 24 more than One trillion each year to 25 the US economy. From alley way to</p>

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<p>Sheet 21 Page 81</p> <p>1 manufacturing jobs, to PhD scientists 2 working on the state of the art 3 research facilities, the jobs 4 supported by the industry are high 5 paying jobs essential to the US 6 economy.</p> <p>7 The oil and natural gas 8 industry is doing much more than just 9 providing the energy we need for 10 transportation. It is critical to 11 thousands of products that we use 12 each day and is helping to ensure 13 our economic security.</p> <p>14 We would request that you all 15 take no action on this petition. 16 Thank you.</p> <p>17 MS. BOTCHLET-SMITH: Thank 18 you. Go ahead.</p> <p>19 MS. LODES: Thank you. I 20 do want to remind everybody that I 21 know we have several comments; that 22 we are trying to ask that people 23 stay to the five minutes. I know we 24 are -- Beverly is timing them and 25 I'm trying to keep an eye, so let's</p>	<p>Page 83</p> <p>1 difficulties in keeping a record of 2 all the greenhouse gases that 3 Oklahoma emits. I understand the 4 difficulties there but I think that 5 we should take some action. Everyone 6 is waiting for someone else to act. 7 I think the Oklahoma Department of 8 Environmental Quality should take 9 some action to pay perhaps special 10 attention to restrict the new sources 11 of greenhouse gases. The oil and 12 natural gas industry has been quite 13 useful but it's approaching the 14 point, I think, where it may kill us 15 and I think that we need a lot more 16 moderation in our use of oil and 17 natural gas, and a lot more 18 regulation, particularly with 19 attention to fracking, which emits a 20 lot of greenhouse gases and is -- 21 the benefits of fracking are talked 22 about a lot but the downside is not.</p> <p>23 MS. BOTCHLET-SMITH: Thank 24 you. Ms. McMahon.</p> <p>25 MS. MCMAHON: Jean McMahon.</p>
<p>Page 82</p> <p>1 please try and be respectful of 2 everybody's time today.</p> <p>3 MS. BOTCHLET-SMITH: Ms. 4 Geary.</p> <p>5 MR. CLARK: It's just a 6 suggestion, that when people in case 7 we have any questions for them that 8 they stay up there for just a 9 moment. Is that possible? Because 10 I might like to ask them a question 11 or two.</p> <p>12 MS. LODES: Sure. Did you 13 want to have -- did you have any 14 questions for Angie?</p> <p>15 MR. CLARK: No. Not at 16 this time.</p> <p>17 MS. LODES: Okay.</p> <p>18 MS. GEARY: I understand 19 the --</p> <p>20 REPORTER: Could you state 21 your name, please.</p> <p>22 MS. GEARY: Oh. I'm sorry. 23 Bea Geary.</p> <p>24 REPORTER: Thank you.</p> <p>25 MS. GEARY: I understand the</p>	<p>Page 84</p> <p>1 REPORTER: Could you spell 2 it?</p> <p>3 MS. MCMAHON: J-e-a-n.</p> <p>4 REPORTER: Thank you.</p> <p>5 MS. MCMAHON: I live in Ft. 6 Gibson. I have lead a very good 7 life thanks to fossil fuels, but the 8 fossil is -- tells it all, it's in 9 the past. The future is solar 10 economy as Germany is doing. Germany 11 is the only industrialized country 12 that has more industry because they 13 are developing the solar economy and 14 it's the future so we have to try to 15 get ourselves off our total fossil 16 fuel addiction. Coal, natural gas, 17 oil and we can't have nuclear. So 18 we have a lot of changes to make. 19 Agriculture would be one. We can 20 just go up to the Land Institute and 21 Wes Jackson can tell you about the 22 way we grow crops under the influence 23 of global warming.</p> <p>24 Something that I think the DEQ 25 should do is try to stop the</p>

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1 Keystone XL pipeline because, if you
2 can find the time at smash.com the
3 Great American Carbon Bond by Bill
4 McKibben (ps) when it comes to coal,
5 oil, and natural gas the mantra of
6 the activist is simple, keep it in
7 the ground. The Alberta Tar sands
8 (inaudible) has the second largest
9 pool of carbon on the planet
10 following Saudi Arabia and James
11 Hanson from NASA says if we even use
12 just a substantial portion of that
13 the oil would mean essentially game
14 over for the climate of the planet.
15 To always blame somebody else,
16 we can't do anything, the United
17 States can't do anything because
18 China won't do anything. We need
19 some personal responsibility and
20 Oklahoma can do a lot. There is a
21 new -- new information -- you can
22 just look at the pictures of the
23 melting ice cap. The Arctic ice is
24 melting at a rate higher than ever
25 and that's -- that is one of the

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1 tipping points. There's just certain
2 tipping points and we're reaching
3 them all. Oklahoma can do its part.
4 We're just -- our Legislature is in
5 the control of fossil fuel industry
6 and all you hear is Devon and
7 Chesapeake. We could be the Saudi
8 Arabia of wind and we need to get
9 going on it.
10 I had some numbers of
11 predictions of where Science
12 Magazine, January 2011 reviewed an
13 analysis of the real world
14 paleoclimate data. Lessons from
15 earth's past by the National Center
16 for Atmospheric Research, NCAP; a
17 scientist Jeffery Kiehl, K-i-e-h-l.
18 The NCAP release is that the earth's
19 hot past would be a prologue to the
20 future. The study notes a science
21 stunner on our current emissions path
22 CO2 levels in 2100 will hit levels
23 last seen when the earth was hotter,
24 29 degrees Fahrenheit, 16 -- which is
25 16 degrees centigrade we're getting

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1 hot -- as we get hotter and the ice
2 sheets melt and methane is released.
3 Methane from the melting tunnel --
4 tundra will just bring back more
5 feedback of more water vapor.
6 So anyhow, we have to try to
7 figure out how to get our solar
8 economy going. And we can do it
9 with feed intact terraces. Germany
10 did. And we'll have prosperity, so
11 that's what I'm for. Thank you.
12 MS. BOTCHLET-SMITH: Thank
13 you. Ms. Rita Scott.
14 REPORTER: Would you please
15 spell your name?
16 MS. STOTT: Yes. R-i-t-a,
17 S-c-o-t-t.
18 REPORTER: Thank you.
19 MS. STOTT: I just wanted
20 to encourage -- I think the best
21 thing that's going to come out of
22 this today is that we need to look
23 at our kids and our future
24 generations. And I do believe that
25 we are experiencing global warming.

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1 I mean we can all just kind of step
2 outside and experience the
3 temperatures and with this over --
4 going on 40 days of over 90 degrees.
5 And we take a look at our food
6 production even, with this warming, I
7 personally am a local small producer
8 and I've lost nine hens from heat
9 stress and I've never experienced
10 this before in my life. And they
11 have a nice co-pasture, they have
12 water, we have a fan and it is heat
13 related stress. We're observing
14 blossoms on our tomato plants that
15 are not able to set blossoms because
16 of this heat and it's effecting our
17 food production. We're observing the
18 cattle and the animals that are
19 taking in large amounts of water.
20 And if we really take a look at our
21 climate and our food and our natural
22 resources then we really do need to
23 do something like Barbara Geary
24 suggested. Anything. But it's a
25 start. And -- because if we don't

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1 do something, you know, and rather
2 than focusing on jobs, there won't be
3 any jobs because everything will just
4 be burned up. Thank you.
5 MS. BOTCHLET-SMITH: Thank
6 you.
7 MS. LODES: Thank you.
8 MS. BOTCHLET-SMITH: Okay.
9 I just want clarification to make
10 sure I place this in the right spot.
11 Barbara Vandataker -- Vandelaker
12 (ps). I'm not pronouncing your name
13 right and I apologize. Are you --
14 are you in the audience.
15 MALE: I believe she left.
16 MS. BOTCHLET-SMITH: Okay.
17 Was she returning or -- you don't
18 know. Okay.
19 Joy Avery. Are you wishing to
20 speak to this particular petition or
21 did you have a different issue
22 because your thing says clean air.
23 I just want to make sure.
24 MS. AVERY: I'm just wishing
25 to speak as a citizen.

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1 MS. BOTCHLET-SMITH: About
2 this global warming issue.
3 MS. AVERY: Global warming,
4 sulphur, adding pollution
5 unnecessarily. So whenever that is.
6 MS. BOTCHLET-SMITH: Okay.
7 MS. MYERS: Beverly, I've
8 got a question.
9 MS. BOTCHLET-SMITH: Yeah.
10 MS. MYERS: As a Council,
11 it's been my experience in being here
12 for 14 or 15 years, we do not
13 address a particular facility for a
14 permit. Is that true?
15 MS. BOTCHLET-SMITH: We are
16 not addressing that in this hearing
17 and you all are not a permitting
18 authority; but what I just heard her
19 say that she wanted to address global
20 warming and that is the issue at
21 hand and that's what we're taking
22 comments on.
23 MS. MYERS: And I'm okay
24 with that. But if they start
25 bringing up the name of a particular

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1 permit or facility, is that not the
2 time to cut off that discussion if
3 it is not directly related to --
4 MS. BOTCHLET-SMITH: We are
5 only taking comments on the global
6 warming petition at this time.
7 MS. MYERS: Thank you.
8 MR. SINGLETARY: Can I
9 clarify that. They can -- if they
10 want to address anything else, they
11 can do so under new business.
12 MS. BOTCHLET-SMITH: At this
13 time we're only talking about global
14 warming.
15 MR. SINGLETARY: Right. But
16 I mean if folks still --
17 MS. BOTCHLET-SMITH: I have
18 a couple of folks that have been
19 told they can speak under new
20 business. Yes.
21 MR. SINGLETARY: Okay. I
22 just wanted to clarify that.
23 MS. AVERY: So maybe I
24 should speak under new business?
25 MS. BOTCHLET-SMITH: Are you

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1 addressing the global warming
2 petition that was just presented?
3 MS. AVERY: Oh.
4 MS. BOTCHLET-SMITH: That's
5 currently what's on the table for the
6 Council to vote on. And so we're
7 only taking comments on that
8 particular issue.
9 MS. AVERY: Okay. Probably
10 not. It's more general.
11 MS. BOTCHLET-SMITH: Okay.
12 And did Barbara rejoin us or is she
13 gone?
14 Okay, then that concludes
15 comments that have been presented
16 from the public regarding the
17 petition. So if there is further
18 comments or questions from the
19 Council this would be the time to
20 address those.
21 MS. LODES: Do we have any
22 other comments? Did you have
23 anything, Montelle? You look like
24 you're thinking about something over
25 there.

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1 MR. CLARK: Well, without
2 someone to make a presentation there
3 is not a lot for us to go on on
4 this. It's unfortunate there is no
5 one here to support the petition if
6 they want some input from us. The
7 only thing I would say is to the
8 extent that voluntary efforts are
9 always better than government
10 regulation to deal with something,
11 there's many, many voluntary ways in
12 which people who are concerned about
13 greenhouse gas and can take steps
14 both as individuals and as companies.
15 There is quite a bit available. I
16 guess the (inaudible) that concern me
17 is the one, potential for climate
18 change to -- as an Air Quality
19 Council, it concerned me that
20 potential climate change to have an
21 impact on air quality issues. The
22 most obvious to me would be a
23 greater potential for wildfires and
24 greater -- greater biogenic ozone.
25 Possibly extended ozone seasons

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1 associated with cold weather. I
2 don't know -- I mean I don't think
3 anybody can say for sure what the
4 timeline on that sort of stuff is.
5 I don't know how we would incorporate
6 that as a factor in the matter in
7 what we do. It does concern me a
8 little bit that it's not really
9 discussed or talked about. And the
10 general public, I think it's
11 something that they're not aware of,
12 that they don't hear much about it.
13 And that brings me to the
14 second issue that I do have some
15 concern about. If someone is, you
16 know, through the children or anyone
17 else, an Oklahoma citizen is
18 interested in learning more about
19 climate change and potential impacts
20 for the State of Oklahoma there seems
21 to be a lot of information available
22 on that. I mean if they go to -- if
23 they can dig around on the internet,
24 they might find something but there
25 really isn't much specific

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1 information on Oklahoma on the
2 potential impacts we could have.
3 That's really more of a broader --
4 broader issue than what the Council
5 can get into. But I really don't
6 know what the solution on that would
7 be to help people understand this
8 issue better. That's just my only
9 comment. Well, two comments I guess.
10 MS. LODES: Okay. I guess
11 my biggest question on the petition
12 is really, Rob, is are we even
13 legally allowed to pass anything that
14 would be more stringent than a
15 federal regulation?
16 MR. SINGLETARY: I've
17 someone looking -- trying to find
18 that citation for you so I can give
19 you the exact limitations.
20 MS. LODES: Okay. I guess
21 I -- I know California has got
22 special ability, but even they have
23 to go before certain processes if
24 they're going to pass anything more
25 stringent. And I -- well I'm not

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1 opposed to us doing something. I
2 don't want to spend a bunch of staff
3 resources when that money could be
4 used else where for stuff that we
5 have regulations that we can cover
6 and act on if there is nothing that
7 the DEQ can even legally do if we
8 were to even spend time to develop a
9 rule. If we could even legally pass
10 it.
11 MR. SINGLETARY: There are
12 some limitations on our ability to
13 promulgate rules that are more
14 stringent than the federal rules.
15 But I want to find out exactly what
16 it is before I say.
17 MS. LODES: Okay. Okay.
18 MR. BRANECKY: And I think
19 that it's important that the public
20 understand that there are rules --
21 EPA rules in place that do address
22 greenhouse gas emissions. The
23 Tailoring Rule.
24 MS. LODES: Yes.
25 MR. BRANECKY: So there are

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1 some steps being taken on a national
2 level. In fact some of these are in
3 Oklahoma could effect the facilities
4 in Oklahoma or could effect
5 facilities (inaudible).
6 MS. LODES: Yes. There is
7 the Tailoring Rule; there is the
8 Mandatory Reporting Rule. Those
9 rules are nationwide rules, and the
10 facilities in Oklahoma are having to
11 comply with those rules just like
12 everybody else. And we've
13 incorporated those into the Oklahoma
14 regulations. Our Subchapter 8 which
15 addresses major source permitting has
16 very clear permitting guideline --
17 requirements for greenhouse gases as
18 required on the federal level. So
19 there are greenhouse gas regulations
20 in Oklahoma. And I don't know if
21 everybody in the general public
22 realizes we have incorporated those
23 into the regulations as required
24 under the federal rules.
25 MR. CLARK: It was January,

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1 I think, we voted.
2 MS. LODES: We did it in
3 October and in January. We did it
4 as an emergency rulemaking to comply
5 with the federal requirements. And
6 so we have greenhouse gas in our
7 regulations. So it's not that there
8 is nothing here. This would go far
9 above and beyond what we have been
10 requested to do by the federal
11 government and what we've
12 incorporated.
13 MR. BRANECKY: And I think
14 it's more appropriate that it is
15 addressed on a nation level rather
16 than individual.
17 MS. LODES: I would think
18 so --
19 MR. BRANECKY: It would be
20 more effective.
21 MS. LODES: I think it
22 would be more effective because I'm
23 afraid that you would end up with a
24 hodge-podge and I'm afraid that the
25 way that this petition is written,

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1 I'm going to have to file a
2 greenhouse gas inventory for my house
3 and have a third party person come
4 in and audit it because there is no
5 exclusion for mobile sources, or
6 residences or anything.
7 MR. TERRILL: Well, the
8 reality of it is this would be a
9 symbolic vote.
10 MS. LODES: Right.
11 MR. TERRILL: And that's
12 what it would amount to because there
13 is just -- having been doing this
14 for 20-some-odd years I -- this is
15 dead on arrival when it comes to the
16 Board. And it certainly is if it
17 came to the Legislature. So it's --
18 we'll do whatever the Council wants
19 us to do but the reality of it is,
20 this rule, even if you wanted to or
21 this -- it will never become law.
22 It just won't.
23 MS. MYERS: With that
24 consideration, then why take up more
25 time on it?

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1 MS. LODES: Well, and that's
2 what I was going to say. Eddie, how
3 much of your staff would have to
4 spend time and how much -- how many
5 man hours are we looking at for you
6 all to develop something that's going
7 to be dead on arrival, when you've
8 got other regulations that you could
9 do that might be truly beneficial.
10 MR. TERRILL: Okay. And
11 I'm just telling you, this is just
12 the practical aspect of it. Again
13 there is a symbolic, I guess, tone
14 to this. You know, if you look at
15 what's going on nationally and
16 globally whether you think it's
17 sunspots, manmade, volcanoes, divine
18 intervention, whatever you want to
19 call it, there is something going on
20 with our climate. There just is.
21 There is too much snow where there
22 shouldn't be, there is too much heat
23 where there shouldn't be. There's
24 all kinds of things going on that
25 says that something is going on.

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1 And to me, this is just my own
2 personal opinion, we'd be a lot
3 better served to start thinking about
4 how we're going to adapt because I'm
5 afraid we're past the tipping point.
6 Regardless of what you think is
7 causing it there just seems to be --
8 every time you hear a different
9 report it's an acceleration of
10 something going on, whether it be
11 icecap melting or whatever. So this
12 petition will -- while I'm sure they
13 mean well and I know they -- it is
14 something that they feel strongly
15 about, the reality of it is it's not
16 going to become a law in Oklahoma.
17 And it's not going to do anything
18 relative to addressing the problem.
19 But it is a symbolic-type gesture
20 that the Council felt strongly enough
21 that this is an issue that needs to
22 be address, if they're willing to do
23 that. But that's all it would be.
24 It would just be symbolic. And
25 again, I think that the adaptation

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1 discussion is something that we
2 really should be having. That's not
3 for the Council. That's a bigger
4 issue again. I mean that's a state
5 issue and whether or not that will
6 happen I don't know. But I suspect
7 if we have very many more years for
8 record heat and cold and the drought
9 continues, we're going to have to
10 have those discussions because our
11 resources are going to start
12 disappearing.
13 MR. WHITE: I'd like to add
14 to that. I appreciate what you
15 said, Eddie, because I think that
16 needed to be said. I think I'm
17 symbolically going to vote to accept
18 this knowing that there is not enough
19 votes around the table but if there
20 were I might symbolically change my
21 mind.
22 Somebody, I believe, needs to
23 recognize a point that was made by
24 two or three of these folks is that
25 we cannot -- a phrase that has

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1 become popular in Washington right
2 now; we can't continue to kick the
3 can down the road and blame somebody
4 else. Somebody somewhere has got to
5 start and say we're going to take a
6 stand; we're going to do something;
7 we're going to look into it; we're
8 going to do what Eddie is talking
9 about; we're going to look at how we
10 adapt to it. We're going to do
11 something. I think that it's a bit
12 ironic that the petition would be
13 brought in Oklahoma where we elect
14 people to congress that don't believe
15 in global warming.
16 But be that as it may, I
17 appreciate the fact that there are
18 this many people that are willing to
19 take their time and be here today to
20 talk about it because to just brush
21 it aside is a mistake, I think.
22 It's a problem that we're going to
23 have to deal with. Maybe this is
24 not the way to deal with it but
25 someday very soon we're all going to

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1 have to deal with it. So if any of
2 you all decide to vote with me, let
3 me know ahead of time so I don't
4 spend a lot of our money for no good
5 reason. I think it's going to work.
6 I agree it's not going to pass the
7 Board; it couldn't go through the
8 Legislature. And again when a
9 majority of the people -- a large
10 majority of the people are willing to
11 elect people to congress in this
12 state that don't believe in global
13 warming. Don't believe in climate
14 change. It's ironic to try to start
15 this kind of a thing in Oklahoma.
16 MR. TERRILL: I'll just
17 comment on this and then I'll be
18 quiet about it.
19 MR. WHITE: He doesn't have
20 to agree with the last part of my
21 sarcasm.
22 MR. TERRILL: There was an
23 article in the Oklahoman last week
24 where for the first time insurance
25 companies were quoted as saying that

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1 because of the record liability that
2 they've incurred this year to weather
3 related type claims, hail, tornados,
4 flooding, that they're contemplating
5 raising their rates and the cause is
6 climate change. And I think whenever
7 you see companies start passing along
8 climate change related costs the
9 whole dialogue will change. It just
10 about has to. So I think that
11 there's a lot of them -- they're
12 starting to get some momentum built
13 to address this issue, but I'm just
14 concerned that we're passed the point
15 of being able to do anything about
16 it. I think we're -- I may be wrong
17 and I hope I'm wrong but like I said
18 regardless of what the actual cause
19 is or what you believe the cause is,
20 the facts are the facts, and what
21 we're seeing occurring is occurring,
22 and you can either ignore that or we
23 can take steps to try to figure out
24 how we address that to protect our
25 citizens and our jobs, and our way

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1 of life.
2 MR. CLARK: Eddie, when you
3 say we're passed the tipping point --
4 MR. TERRILL: That's my
5 personal opinion.
6 MR. CLARK: I understand.
7 Yeah.
8 MR. TERRILL: And I'm just
9 saying that because if you look at
10 what's going on and what it would
11 take -- I mean I've seen a couple of
12 studies that a friend of mine, who
13 is very much a climate change and a
14 carbon regulator proponent, who
15 believes that in order for us to hit
16 the targets that's commonly
17 acceptable to actually effect what's
18 going on if you believe it's manmade
19 we're talking about one ton per year
20 of carbon per person worldwide.
21 MR. COLLINS: That would be
22 the maximum?
23 MR. TERRILL: That would be
24 the maximum in order to hit the
25 targets. Whether or not that's true

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1 or not, I don't know but he's
2 generally a pretty good disseminator
3 of that type of information. And
4 right now as an example in the
5 United States we do 25 tons per year
6 of carbon per year per person. The
7 only country that does one ton per
8 year is Kenya. China is at 8;
9 European countries are at 11. So I
10 don't know whether that's true or not
11 but that's kind of antidotal
12 information of what a dawning issue
13 this is. And while, like I said, I
14 applaud that there's people that are
15 willing to take their time to try to
16 get folks to look at this nationally.
17 It's just a difficult issue to try
18 to deal with. Especially, when all
19 you're talking about really here is
20 an inventory for us, the rest of it
21 is something that we really wouldn't
22 have any control over as far as
23 whether or not you get those targets
24 -- hit the target. I guess we could
25 do it through a permit but that

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1 would be a very difficult thing to
2 try to figure out how you would even
3 implement that.
4 MR. COLLINS: I'd really
5 don't think the issue is about
6 whether we agree or don't agree with
7 climate change for this proposed
8 rule.
9 MR. TERRILL: That's right.
10 MR. COLLINS: I think the
11 issue really is do we think that
12 they've met the requirements; do we
13 think we have the timelines met; do
14 we want to spend the departments
15 money --
16 MR. TERRILL: Right.
17 MR. COLLINS: -- and I just
18 don't think -- I don't think this is
19 the appropriate way to effect what
20 they are trying to effect. I don't
21 think it was done correctly.
22 MS. LODES: I will agree
23 with you there. I mean I don't
24 think -- I don't think that even if
25 we were to pass this today we would

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1 have anyway of achieving targets
2 starting January 1 of 2012. That's
3 too short a timeline. And, Rob, did
4 you get a legal answer for me?
5 MR. SINGLETARY: Yeah.
6 Actually there's several areas of
7 concern. We have a general
8 restriction against promulgating
9 rules that are more restrictive than
10 federal requirements without doing
11 some kind of economic impact analysis
12 that goes along with it. But more
13 specifically, the air quality and our
14 Clean Air Act here in Oklahoma we
15 have a restriction. This one is
16 specifically related to oil and gas
17 emissions standards. But we can't
18 implement an emission standard that
19 is more stringent than the federal
20 one and that's specifically referring
21 to NESHAPs. But I mean if we're try
22 to get reductions of six percent per
23 year there could be a conflict there.
24 And then we also have in the
25 Environmental Quality Act there is a

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1 provision in 1-1-207 that we can't
2 implement any provisions of the KYOTA
3 Protocol and I don't know if this is
4 something that could be considered
5 somehow related to that. So I just
6 wanted to bring that to the Council's
7 attention as well.
8 MR. COLLINS: That sounds
9 like there's roadblocks there from a
10 legal perspective. And Eddie's
11 telling us that there's telling us
12 that even if we do pass it it's not
13 going to move forward.
14 MS. LODES: My concern is
15 that we pass it and it's symbolic in
16 some respects and all it's going to
17 do is waste an agencies valuable
18 resources. They've already been in a
19 budget crunch which is why the last
20 Council meeting we passed the fee
21 increase and luckily you guys got the
22 waste tire money. We got that
23 through.
24 MR. TERRILL: Yeah.
25 MS. LODES: But their budget

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1 is tight and we cut that -- I don't
2 want to waste resources for something
3 that we can't legally pass anyway if
4 it's in conflict with the Oklahoma
5 Statutes.
6 MR. HAUGHT: Rob, does this
7 just -- procedure-wise, you gave us
8 two options to either deny the
9 petition or proceed with the
10 rulemaking which I guess would be to
11 return that to the agency to develop
12 a rule for consideration. But is
13 that something that requires -- that
14 requires an affirmative action to
15 either vote this up or down or is no
16 action --
17 MR. SINGLETARY: Let me just
18 clarify that, Mr. Haught. I'm sorry
19 to interrupt. There is a proposed
20 rule on the table so there would be
21 no rule development by the Agency.
22 There is already something for you
23 guys to consider if you so choose
24 to. At this point, yes, you need to
25 make -- take an action either denying

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1 it today or you could set it for
2 hearing during the next Council
3 meeting and that would initiate the
4 rulemaking action.
5 MR. HAUGHT: Okay. So the
6 rule that is attached to this is --
7 is actually what we're considering.
8 MR. SINGLETARY: That's the
9 proposed rule.
10 MR. HAUGHT: Okay. Okay.
11 MS. BOTCHLET-SMITH:
12 Everybody, okay? Do we have any
13 further -- David.
14 MR. BRANECKY: Yeah. I
15 guess I can get a little
16 philosophical too. You know, I think
17 Eddie hit on it. We talked about
18 these tons per individual up --
19 greenhouse gases that are emitted.
20 You know, we're always waiting on
21 somebody else to do something. Why
22 can't we get the government to do
23 something? It's individuals that can
24 do it. If you really believe in it
25 you have the opportunity and you have

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<p>Sheet 29 Page 113</p> <p>1 the ability to reduce your greenhouse 2 gas emissions. And I'm not here 3 defending industry but electric 4 generators produce electricity 5 because people want it. People 6 demand it. They don't produce extra 7 electricity and have it left over 8 somewhere. As demand grows they 9 produce it. They burn fossil fuel 10 to generate the electricity because 11 people want it. The less electricity 12 you demand, the less they generate, 13 the less the pollution. So you can 14 do things without waiting on somebody 15 else to do something. So I just 16 wanted to throw that out. My two 17 cents.</p> <p>18 MS. LODES: Okay. It's the 19 same true with oil and gas drilling. 20 The less oil used, the less it's 21 drilled.</p> <p>22 MR. BRANECKY: And that's -- 23 the less you drive a car, the less 24 gas that's used.</p> <p>25 MS. LODES: That's right.</p>	<p>Page 115</p> <p>1 sure what OG&E calls it but any 2 individual, any business can 3 subscribe to 100 percent windpower. 4 It's verified and tends to verify in 5 the statement.</p> <p>6 MS. BOTCHLET-SMITH: Any 7 other questions or comments from the 8 Council?</p> <p>9 MS. LODES: I don't think 10 so. Okay. With that said we have 11 to act on this petition. We have 12 two options as Rob has said, to 13 either deny the petition outright or 14 send it to the agency for rulemaking 15 and hearing. What would the Council 16 -- I need a motion to do something.</p> <p>17 MS. MYERS: Based on all 18 the discussion that we've had today, 19 I make a motion that we deny the 20 petition and not waste any additional 21 resources considering it. There are 22 things in place actually going on to 23 address some of the concerns that are 24 here.</p> <p>25 MS. LODES: Okay. I have a</p>
<p>Page 114</p> <p>1 Okay.</p> <p>2 MR. CLARK: I was just 3 going to follow along with what David 4 said, I've probably said enough but 5 there are -- EPA does have other 6 programs that people do and 7 businesses who are interested in 8 participating in this. OneOK, 9 Chesapeake, Devon they are all part 10 of the climate. Is it the Climate 11 (inaudible) program, Jim? Yeah, 12 OneOk is one of the partners. I 13 think they even received an award for 14 --</p> <p>15 MR. HAUGHT: Yeah. And the 16 Natural Gas Star Program, you have to 17 voluntarily reduce methane emissions.</p> <p>18 MR. CLARK: Yeah. The 19 Natural Gas Star Program and other 20 climate reduction programs. So there 21 are voluntary programs available. To 22 followup on what David said about the 23 utilities, both OG&E and PSO have 24 windpower available. PSO calls it 25 the Wind Choice Program. I'm not</p>	<p>Page 116</p> <p>1 motion. Do I have a second? 2 MR. GAMBLE: Second. 3 MS. LODES: I have a motion 4 and a second. Nancy, please call 5 roll.</p> <p>6 MS. MARSHMENT: Laura Lodes. 7 MS. LODES: Yes. 8 MS. MARSHMENT: Jim Haught. 9 MR. HAUGHT: Yes. 10 MS. MARSHMENT: Bob Lynch. 11 DR. LYNCH: Yes. 12 MS. MARSHMENT: Gary 13 Collins. 14 MR. COLLINS: Yes. 15 MS. MARSHMENT: David 16 Branecky. 17 MR. BRANECKY: Yes. 18 MS. MARSHMENT: Sharon 19 Myers. 20 MS. MYERS: Yes. 21 MS. MARSHMENT: David 22 Gamble. 23 MR. GAMBLE: Yes. 24 MS. MARSHMENT: Montelle 25 Clark.</p>

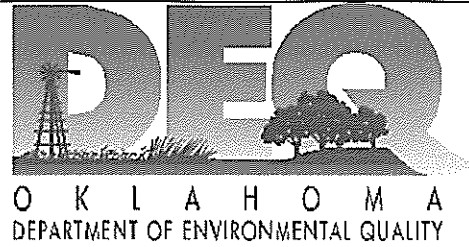
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1 MR. CLARK: Yes.
2 MS. MARSHMENT: Pete White.
3 MR. WHITE: No.
4 MS. MARSHMENT: Motion
5 passed.
6 MS. BOTCHLET-SMITH: Laura,
7 that concluded the hearing portion of
8 today's meeting.
9 (Items 1 through 4C Concluded)
10 C E R T I F I C A T E
11 STATE OF OKLAHOMA)
12) ss:
13 COUNTY OF OKLAHOMA)
14 I, CHRISTY A. MYERS, Certified
15 Shorthand Reporter in and for the
16 State of Oklahoma, do hereby certify
17 that the above hearing is the truth,
18 the whole truth, and nothing but the
19 truth; that the foregoing hearing was
20 taken down in shorthand by me and
21 thereafter transcribed under my
22 direction; that said hearing was
23 taken on the 20th day of July, 2011,
24 at Tulsa, Oklahoma; and that I am
25 neither attorney for, nor relative of

Page 118

1 any of said parties, nor otherwise
2 interested in said action.
3 IN WITNESS WHEREOF, I have
4 hereunto set my hand and official
5 seal on this, the 13th day of
6 August, 2011.
7 CHRISTY A. MYERS, CSR
8 Certificate No. 00310



AIR QUALITY COUNCIL

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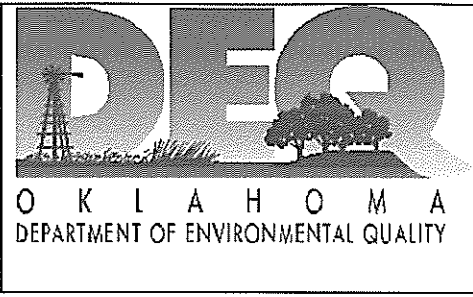
July 20, 2011

Tulsa, Oklahoma

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