

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-2. [AMENDED]

252:100-5-2.1 [AMENDED]

252:100-5-3. [AMENDED]

Subchapter 17. Incinerators

Part 3. General Purpose Incinerators

252:100-17-2. [AMENDED]

Part 9. Commercial and Industrial Solid Waste Incineration Units

252:100-17-60. [AMENDED]

252:100-17-61. [AMENDED]

252:100-17-62. [AMENDED]

252:100-17-63. [AMENDED]

252:100-17-64. [AMENDED]

252:100-17-65. [AMENDED]

252:100-17-66. [AMENDED]

252:100-17-67. [AMENDED]

252:100-17-68. [AMENDED]

252:100-17-69. [AMENDED]

252:100-17-70. [AMENDED]

252:100-17-71. [AMENDED]

252:100-17-72. [AMENDED]

252:100-17-73. [AMENDED]

252:100-17-74. [AMENDED]

252:100-17-75. [AMENDED]

252:100-17-76. [AMENDED]

SUMMARY:

The Department is proposing to modify Subchapter 5, Registration, Emission Inventory and Annual Operating Fees to amend the current emission inventory reporting schedule in OAC 252:100-5-2.1 for all minor source facilities registered under a Permit by Rule (PBR). The current rule requires PBR facilities with emissions greater than 5 tons per year to file an emission inventory every year and PBR facilities with emissions less than 5 tons per year to file an emission inventory every five years. Under the proposed rule, PBR facilities would be required, at a minimum, to submit an annual emission inventory for the first calendar year in which the facility is registered. Thereafter, the proposed new schedule would require all PBR facilities with actual emissions greater than 5 tons per year to file an emission inventory every three years, and would require PBR facilities with actual emissions of 5 tons or less per year to file an emission inventory every six years, coinciding with the National Emissions Inventory. Additionally, the Department proposes to modify language in 252:100-5-2, -2.1, and -3 to make a correction and to remove obsolete language. This proposal does not include any changes to annual operating fees.

The Department is proposing to modify OAC 252:100-17, Part 3, General Purpose Incinerators and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust enforceable requirements and compliance dates consistent with federal requirements that were revised February 7, 2013. The proposal incorporates changes required as a result of revisions to 40 CFR 60, Subpart DDDD for state plans under Sections 111(d) and 129 of the federal Clean Air Act (CAA), applicable to existing CISWI units. The proposed changes to Subchapter 17 will be included as a required update to Oklahoma's Section 111(d)/129 plan. These changes affect which CISWI units are treated as existing CISWI units.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Section 2-5-105 for Subchapters 5 and 17 and 27A O.S. Section 2-5-112 for Subchapter 5.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on July 17, 2013. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the July 17, 2013 hearing and at the August 20, 2013 Environmental Quality Board hearing.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, July 17, 2013, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its next meeting, currently scheduled for 9:30 a.m. on Tuesday, August 20, 2013, at the Tri County Technology Center, 6101 SE Nowata Road, Bartlesville, Oklahoma 74006.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107; to the CISWI State Plan under the requirements of the CAA, Sections 111(d) and 129, 40 CFR Part 60, Subparts B and DDDD, and 27A O.S. Section 2-5-107; and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtg/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

RULE IMPACT STATEMENTS:

The rule impact statements will be available on and after June 17, 2013 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.