

**MINUTES
AIR QUALITY ADVISORY COUNCIL
SPECIAL MEETING
April 24, 2024
Department of Environmental Quality
Oklahoma City, Oklahoma**

**Official AQAC Approved
at July 24, 2024 Meeting**

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

MEMBERS PRESENT

Matt Caves
Gregory Elliott
James Farrell
Garry Keele
John Privrat
Jeffrey Taylor
Laura Lodes

MEMBERS ABSENT

Gary Collins

DEQ STAFF PRESENT

Beverly Botchlet-Smith
Kendal Stegmann
Jennifer Boyle
Tom Richardson
Brooks Kirlin
Melanie Foster
Lee Warden
Eli Klimek
Phillip Fielder
Rick Groshong
Phil Martin
Austin Sides
Travis Couch
Jared Milano
Cheryl Bradley
Camas Frey
Malcolm Zachariah
Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the October 4, 2023 Regular Meeting. Mr. Taylor moved to approve and Mr. Keele made the second.

See transcript pages 2 - 4

Matt Caves	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Public Rulemaking Hearing

**Chapter 100. Air Pollution Control
Subchapter 7. Permits for Minor Facilities
Part 9. Permits by rule**

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

Mr. Tom Richardson, Professional Engineer, Rules & Planning Section of the AQD, stated the Department of Environmental Quality (Department or DEQ) is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency’s (EPA’s) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Additionally, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility’s eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment. Hearing questions and comments by the Council and by the public, Ms. Lodes called for a motion, Mr. Farrell moved to approve the rule with the amendment to subparagraph (E), Recordkeeping, with the revision to subparagraph (5), moving “and” down to 6 and placing a comma after 6, followed by “and”. Subject to those edits, move approval the rule and Mr. Caves made the second.

See transcript pages 5 - 33

Matt Caves	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting.

See transcript page 34

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

New Business – None

Adjournment – Ms. Lodes called for a motion to adjourn the meeting. Mr. Elliott moved to adjourn and Mr. Keele made the second. The next scheduled Regular Meeting is on Wednesday, July 24, 2024, in Tulsa/Owasso, Oklahoma. Meeting adjourned at 9:43 a.m.

Matt Caves	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes
Garry Keele	Yes		

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

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1
2 SPECIAL MEETING/HEARING
3 AIR QUALITY ADVISORY COUNCIL
4 APRIL 24, 2024, 9:00 AM
5
6 MEMBERS PRESENT
7 Laura Lodes
8 Garry Keele II
9 Matt Caves
10 Gregory Elliott
11 John Privrat
12 James Farrell
13 Jeffrey Taylor
14
15 MEMBERS ABSENT
16 Gary Collins
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25 REPORTED BY: Jenny Longley, CSR

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1 PROCEEDINGS
2 CHAIRWOMAN LODES: Hello. We will call
3 today's meeting of the Air Quality Advisory Council
4 to order.
5 Quiana, will you please call roll?
6 MS. FIELDS: Mr. Caves?
7 MR. CAVES: Here.
8 MS. FIELDS: Mr. Collins is absent.
9 Mr. Elliott?
10 MR. ELLIOTT: Here.
11 MS. FIELDS: Mr. Farrell?
12 MR. FARRELL: Here.
13 MS. FIELDS: Mr. Keele?
14 MR. KEELE: Here.
15 MS. FIELDS: Mr. Privrat?
16 MR. PRIVRAT: Here.
17 MS. FIELDS: Mr. Taylor?
18 MR. TAYLOR: Here.
19 MS. FIELDS: Ms. Lodes?
20 CHAIRWOMAN LODES: Here.
21 MS. FIELDS: We have a quorum.
22 CHAIRWOMAN LODES: Thank you.
23 The next item on today's agenda is
24 approval of the minutes from the October 4, 2023
25 regular meeting.

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1 Do we have any comments or discussion
2 on the minutes?
3 Hearing none, do I have a motion to
4 approve the minutes?
5 MR. TAYLOR: I'll make that motion to
6 approve the October 4th minutes.
7 CHAIRWOMAN LODES: Thank you.
8 Do I have a second?
9 MR. KEELE: Second.
10 CHAIRWOMAN LODES: I have a motion and a
11 second. Will you please call roll?
12 MS. FIELDS: Mr. Caves?
13 MR. CAVES: Yes.
14 MS. FIELDS: Mr. Elliott?
15 MR. ELLIOTT: Yes.
16 MS. FIELDS: Mr. Farrell?
17 MR. FARRELL: Yes.
18 MS. FIELDS: Mr. Keele?
19 MR. KEELE: Yes.
20 MS. FIELDS: Mr. Privrat?
21 MR. PRIVRAT: Yes.
22 MS. FIELDS: Mr. Taylor?
23 MR. TAYLOR: Yes.
24 MS. FIELDS: Ms. Lodes?
25 CHAIRWOMAN LODES: Yes.

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1 MS. FIELDS: Motion passed.
2 CHAIRWOMAN LODES: Thank you.
3 The next item on today's agenda is
4 the Public Rulemaking Hearing portion.
5 MS. BOTCHLET-SMITH: Good morning. I am
6 Beverly Botchlet-Smith, Assistant Director of the
7 Air Quality Division, and I will serve as the
8 protocol officer for today's hearings.
9 The hearings will be convened by the
10 Air Quality Council in compliance with the Oklahoma
11 Administrative Procedures Act and Title 40 of the
12 Code of Federal Regulations, Part 51, as well as the
13 authority of Title 27A of the Oklahoma Statutes,
14 Section 2-2-201 and Sections 2-5-101 through
15 2-5-117.
16 Notice of the April 24, 2024 hearings
17 were advertised in the Oklahoma Register for the
18 purpose of receiving comments pertaining to the
19 proposed OAC Title 252 Chapter 100 rules as listed
20 on the Agenda and will be entered into each record
21 along with the Oklahoma Register filing. Notice of
22 the Meeting was filed with the Secretary of State on
23 February 5, 2024. The agenda was duly posted 24
24 hours prior to the meeting here at the DEQ.
25 If you wish to make a statement, it

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1 is very important that you complete the form at the
 2 registration table, and you will be called upon at
 3 the appropriate time. Audience members, please come
 4 to the podium for your comments and please state
 5 your name prior to making those comments.
 6 At this time, we will proceed with
 7 what's marked as Agenda Item 4-A on the hearing
 8 agenda. This is Chapter 100, Air Pollution Control;
 9 Subchapter 7, Permits for Minor Facilities; Part 9,
 10 Permits by rule; 252:100-7-60.5, Oil and natural gas
 11 sector [Amended].
 12 And Mr. Tom Richardson, who's a
 13 Professional Engineer in the Rules Section, will
 14 give the staff presentation today.
 15 MR. RICHARDSON: Thank you, Beverly. Is
 16 the microphone on? Excellent.
 17 Good morning, Madam Chair, Members of
 18 the Council, Ladies and Gentlemen. I am Tom
 19 Richardson, an engineer in the Air Quality
 20 Division's Rules & Planning Section, and my purpose
 21 today is to present proposed changes to our state
 22 permitting rules, specifically to the Oil and
 23 Natural Gas Permit By Rule or PBR in Subchapter 7 of
 24 Chapter 100.
 25 Next slide.

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1 This slide summarizes the topics I
 2 will cover. First, I will say a few words about
 3 EPA's New Source Performance Standards or NSPS,
 4 Subpart OOOOb that addresses emissions from the oil
 5 and natural gas sector. Then I will discuss legally
 6 and practicably enforceable limits or LPE limits on
 7 tank batteries, giving the DEQ's interpretation and
 8 also the interpretation EPA provided to us in an
 9 informal, verbal manner. I will give an overview of
 10 the rule language we are proposing, I will summarize
 11 our responses to written comments, and lastly, I
 12 will discuss next steps.
 13 Next slide.
 14 This slide shows the first page of
 15 the Final Rule Federal Register notice for the NSPS
 16 Subpart OOOOb and the image of a table showing the
 17 emission units that will be covered by the rule.
 18 The Final Rule was published on March 8, 2024, and
 19 the effective date is May 7, 2024.
 20 Next slide.
 21 NSPS OOOOb covers a number of
 22 different types of sources and introduces a number
 23 of new requirements. We are adding a reference to
 24 NSPS Subpart OOOOb in our proposed changes to the
 25 Oil and Gas PBR, but the focus of our discussion

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1 today will be the development of legally and
 2 practicably enforceable limits for tank batteries.
 3 Next slide.
 4 This slide includes language from the
 5 rule defining "storage vessel affected facility".
 6 It is notable that this definition includes the
 7 entire tank battery within the definition of this
 8 emission unit, not just the individual tank.
 9 Therefore, if you have a facility with multiple
 10 tanks manifolded together, the entire tank battery
 11 is considered to be a single "storage vessel
 12 affected facility" under this rule.
 13 Next slide.
 14 Slide 6 shows the definition of
 15 legally and practicably enforceable limits provided
 16 in the Preamble to the Final Rule. While I will not
 17 read this definition, I do wish to point out the
 18 expanded criteria included in this definition.
 19 Next slide.
 20 It's important, when it comes to the
 21 legally and practicably enforceable limits in this
 22 rule, to note that there are a number of key
 23 required elements. Those elements are shown here,
 24 again, and I won't read those elements, but this is
 25 definitely an increase in the rigor that's required

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1 from the previous rules that covered this sector.
 2 Next slide.
 3 Steps in the process. This is an
 4 outline of the steps in the process that an
 5 applicant would follow to secure these legally and
 6 practicably enforceable limits. Of course, first,
 7 submit an application for an authorization to
 8 construct under the Oil and Gas PBR that establishes
 9 the limits in advance; second, demonstration of
 10 initial compliance; third, demonstration of
 11 continuous compliance; fourth, recordkeeping; and 5,
 12 the requirement to reassess on either modification
 13 or reconstruction.
 14 Next slide.
 15 This is an important issue. Oklahoma
 16 DEQ sets a permit-limited cap on emissions, and the
 17 question becomes is that sufficient as a
 18 demonstration of initial compliance, that is, does
 19 the acceptance of a cap short-circuit the
 20 requirement to demonstrate initial compliance during
 21 the first 30 days that the tank battery received
 22 liquids.
 23 DEQ's answer, our response to that
 24 question, is yes. It is our interpretation that a
 25 cap on emissions (accepted in advance of operation)

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1 that is established in the federally enforceable New
 2 Source Review (NSR) permit - which is also referred
 3 to by us as a DEQ-issued construction permit - that
 4 that is a sufficient mechanism to limit potential to
 5 emit so that a tank battery will not meet the
 6 definition of "storage vessel affected facility"
 7 under NSPS Subpart OOOOb.
 8 Next slide.
 9 We did reach out to EPA, and our
 10 colleagues at EPA Region 6 reached out to the permit
 11 -- rather, to the rule writers and gave us their
 12 feedback. Their answer differs from ours. EPA's
 13 answer is that the rule writers intended that the
 14 owner-operator demonstrate initial compliance using
 15 the "maximum average daily throughput" during the
 16 first 30 days of production.
 17 Then, after the initial compliance
 18 demonstration, they believe it is acceptable to
 19 demonstrate continuous compliance with the LPE
 20 limits each calendar month, recording actual monthly
 21 throughput and calculating monthly and 12-month
 22 rolling total emissions of VOCs and methane.
 23 Next slide.
 24 Now I'm going to transition to the
 25 Chapter 100 changes, specifically changes to

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1 Subchapter 7, Permits for Minor Facilities, the
 2 Permits By Rule under Part 9. So please, Council
 3 Members, turn in your folder to the proposed
 4 amendments to the rule text in Chapter 100,
 5 Subchapter 7.
 6 By the way, this document is
 7 available on the web and there is a link provided in
 8 the presentation, and I think we do intend to post
 9 the presentation later? Yes, we will post the
 10 presentation later.
 11 Next slide.
 12 So, first of all, I'd like to point
 13 out that all changes proposed today address the
 14 Permit by Rule, or PBR, for the Oil and Natural Gas
 15 Sector (also known as the Oil and Gas PBR).
 16 The current language in the Oil and
 17 Natural Gas PBR allows facilities to be constructed
 18 and operated even if those facilities will be
 19 subject to NSPS Subpart OOOOb.
 20 And I would like to maybe just
 21 restate that. We do believe that our current PBR
 22 does allow new facilities to be constructed and
 23 operated. Even though the current PBR language does
 24 not specifically call out OOOOb, we do believe that
 25 it is a mechanism for ensuring ongoing compliance

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1 that the Permit By Rule, even if it isn't amended,
 2 still can authorize that construction and operation.
 3 Further, the additional language has been added for
 4 clarification and for completeness.
 5 Next slide.
 6 This language amends the eligibility
 7 criteria for the Oil and Gas PBR by exempting
 8 greenhouse gases for the 40 TPY eligibility
 9 threshold, and that's in the "A" under "1".
 10 This language was amended -- the
 11 language below was amended to clarify that the
 12 limitations on emissions imposed by any federal New
 13 Source Performance Standard (NSPS) or National
 14 Emissions Standard for Hazardous Air Pollutants
 15 (NESHAP) may be used to determine eligibility for
 16 the Oil and Natural Gas PBR. Limits accepted under
 17 the Oil and Natural Gas PBR, which will be discussed
 18 later, are imposed under the Oil and Gas PBR and are
 19 discussed in more detail, again, later.
 20 Next slide.
 21 The language here adds a reference to
 22 Subpart NSPS OOOOb and clarifies that all emission
 23 units addressed by that rule may be covered by the
 24 Oil and Natural Gas PBR. Again, while this
 25 clarification is not strictly necessary to ensure

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1 coverage, including this language is less likely to
 2 lead to confusion.
 3 Next slide.
 4 The vast majority of the new rule
 5 language is included in this new subsection (d).
 6 This subsection provides the mechanism for
 7 facilities to accept legally and practicably
 8 enforceable limits (LPE limits) on tank batteries to
 9 keep those tank batteries from becoming classified
 10 as "storage vessel affected facilities" under NSPS
 11 Subpart OOOOb.
 12 Note, new language under paragraph
 13 (1) under subsection (d) establishes limits on a
 14 volatile organic compounds (VOCs), and also on
 15 methane emissions.
 16 Further, new subparagraph (A)
 17 establishes the foundational elements that will be
 18 used for the demonstration of compliance with these
 19 LPE limits.
 20 And please note, the information
 21 highlighted in yellow has been added after the
 22 proposed rule changes were posted on March 15th. So
 23 on March 15th, the language has been amended and any
 24 language amended since March 15th will show up
 25 highlighted in yellow here on the screen and, for

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1 Council Members, will also show up in your packets.
 2 Next slide.
 3 Note, new subparagraph (B), shown,
 4 provides the control options and control
 5 requirements. The applicant must submit forms - and
 6 those forms are currently under development - which
 7 specify which control option (or options) will be
 8 used. If, for example, an applicant elects to use a
 9 vapor recovery unit, or VRU, with a flare as a
 10 back-up control device, the applicant must specify
 11 both options. In that case, requirements for both
 12 options would apply.
 13 Further, compliance options for the
 14 LPE limits under the Oil and Gas PBR are limited to
 15 VRUs and - again highlighted in red - nonassisted
 16 flares and nonassisted enclosed combustion devices,
 17 but for other purposes (not for the LPE limits),
 18 other types of flares will be allowed if those
 19 flares are operated in accordance with NSPS Subpart
 20 OOOOb.
 21 Next slide.
 22 New subparagraph (C), as shown on the
 23 screen, provides the requirements to demonstrate
 24 initial and continuous compliance with the LPE
 25 limits, and then units (i) for nonassisted flares

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1 and enclosed combustion devices and (ii) for VRU
 2 provides the specific requirements for the operation
 3 of those units.
 4 In response to a comment on the
 5 proposed rule - and the comments will be discussed
 6 later - the DEQ added Gas Processors Association, or
 7 GPA, Method 2261 as an alternative for determining
 8 net heating value, and other approved methods will
 9 also be allowed.
 10 And then below, the language in
 11 subunit (VI) is added for completeness. Again,
 12 whenever the closed vent system is not in operation,
 13 then those emissions would be calculated separate
 14 from applying the controls required -- or, accepted
 15 above.
 16 Next slide.
 17 New subparagraph (D) shown at the top
 18 requires reporting of any exceedances. This
 19 approach was chosen rather than a more cumbersome
 20 requirement to report continued compliance, that is,
 21 we're not requiring continued compliance to be
 22 reported, we are actually requiring any exceedances
 23 to be reported to confirm that those exceedances
 24 have occurred, and the absence of that reporting
 25 would show continued compliance.

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1 Then new subparagraph (E) establishes
 2 recordkeeping requirements, and the recordkeeping,
 3 again, is a backstop for all of the requirements
 4 mentioned in the language above. (2), below, is
 5 just a placeholder.
 6 Next slide.
 7 New subsection (e) carves out
 8 exceptions from other state-only rule language in
 9 Chapter 100, and we would note these are state-only
 10 requirements.
 11 Because this is an emergency
 12 rulemaking, these exceptions are meant to isolate
 13 the amended Oil and Gas PBR from restrictions
 14 included in other parts of Chapter 100, where those
 15 restrictions might contradict authorities that we
 16 are endorsing here in this revised Permit By Rule.
 17 It is anticipated that these issues
 18 will be addressed, in other words, we will go into
 19 the other components of Chapter 100 and address
 20 those issues more completely when (and if) a
 21 permanent rule change is brought before the Council.
 22 Next slide.
 23 Summary of Comments and DEQ
 24 Responses. As shown on this slide, the DEQ received
 25 written comments from a single stakeholder, the

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1 Petroleum Alliance of Oklahoma.
 2 Comments were submitted as an
 3 attachment to an email from Bud Ground, and that
 4 email was received on April 10th of 2024.
 5 We do have a Response to Comments
 6 document - I believe that was posted this morning,
 7 is that right - posted on the web, and a copy has
 8 been placed in each of the folders for the Council
 9 Members.
 10 And here, I will provide a brief
 11 summary of the comments and DEQ's response to each
 12 comment.
 13 Next slide.
 14 I'm not going to read the comments or go
 15 into much detail, and some of these issues were
 16 addressed earlier in my slides.
 17 But the first comment really goes to the
 18 heart of the matter, and that is, can the
 19 owner-operator actually use annual average emissions
 20 to determine compliance.
 21 Our response is broken into two parts.
 22 The first is the DEQ's position, and the DEQ's
 23 position is that demonstration of continued
 24 compliance requires monthly and 12-month rolling
 25 total calculations of emissions to demonstrate

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1 initial and ongoing compliance. That's a
 2 longstanding practice under the Oil and Gas PBR, and
 3 this practice will be carried forward under this
 4 PBR.
 5 Next slide.
 6 However, we did reach out to our
 7 colleagues at EPA Region 6, and they were able to
 8 give us verbal feedback. Again, this is verbal
 9 feedback, it's in an informal basis, we have not yet
 10 received written comment from our colleagues at EPA
 11 Region 6.
 12 But they did reach out to the rule
 13 writers, and they came back with a different
 14 interpretation. The interpretation we've received
 15 is that there is a requirement for an initial
 16 compliance determination that occurs during the
 17 first 30 days that an individual tank or tank
 18 battery receives fluids and that that determination
 19 should be based on the maximum average daily
 20 throughput, annualized, and plugged into some sort
 21 of method of determining emissions on a ton/year
 22 basis. That's the information received from EPA
 23 Region 6.
 24 By the way, we would contend - and that's
 25 the paragraph below - as an important note, we

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1 believe that the language we've developed for this
 2 emergency rulemaking is capable of being used to
 3 develop guidance that would follow either pathway.
 4 So while we believe that our interpretation is
 5 correct, if necessary we believe we could issue
 6 guidance that would require an adjustment to the
 7 method of demonstrating compliance to fall in line
 8 with this EPA feedback, and we have not yet
 9 developed that guidance, so just wanted to make that
 10 clear.
 11 Next slide.
 12 The Petroleum Alliance allowed whether
 13 there will be different calculation methods
 14 required, our response is no. The calculation
 15 methods currently used to demonstrate compliance
 16 with both the Oil and Gas GP and the Oil and Gas PBR
 17 are the methods we would expect companies to use to
 18 comply with this new Oil and Gas PBR.
 19 We would point out - and this will come up
 20 again in a later comment - with regard to methane,
 21 typically methane has not been required, but that
 22 there are process simulators that have the ability
 23 to estimate emissions. We would anticipate many
 24 applicants will use those process simulators,
 25 further, there may be other methods developed that

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1 are considered generally acceptable, and we will
 2 address those with our guidance.
 3 Next slide.
 4 The third comment refers to methane, and
 5 again, methane hasn't been used and it hasn't been
 6 necessary to demonstrate compliance with the Oil and
 7 Gas PBR or the PBR before amendment. To demonstrate
 8 compliance, we do believe that methane calculations
 9 using process simulators will be sufficient.
 10 Comment 4 is with regard to the VRU and
 11 whether a flare can be used as a back-up control
 12 device, and we referenced that above when we were
 13 talking about the forms that are under development.
 14 Yes, we do believe that the Oil and Gas PBR, as
 15 amended, provides a mechanism for both the VRU to be
 16 used and the flare as a back-up.
 17 Next slide.
 18 Comment 5 addresses a question about flow
 19 meters on low pressure streams. We have looked at
 20 the EPA requirements for legally and practically
 21 enforceable limits, and because we're limiting this
 22 PBR to nonassisted flares and nonassisted enclosed
 23 combustors, we do not see any requirement to monitor
 24 or record the flow to the flares. There is a
 25 requirement to demonstrate the pilot light is

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1 operating and other requirements, but this
 2 requirement we do not find in the rules as
 3 finalized.
 4 Next slide.
 5 Petroleum Alliance requested confirmation
 6 that an existing facility covered by the PBR would
 7 not be required to have an LPE to stay under its
 8 current PBR, and the Alliance's understanding is
 9 correct.
 10 We would also note - and this is maybe not
 11 directly asked in the question, but we'd like to
 12 point this out for clarity - a facility that was
 13 determined to have an uncontrolled PTE based on its
 14 first 30 days of operation that turned out to be
 15 less than the VOC methane thresholds could later, if
 16 they chose, accept these LPE limits. But that's
 17 just a clarification.
 18 Comment 7. The Alliance asked if the
 19 existing PBR can be used to allow new facilities
 20 that are subject to this new NSPS OOOOb to be
 21 constructed and operated without LPE limits, the
 22 answer is yes.
 23 Next slide.
 24 Comment 8. The Alliance requested
 25 confirmation that existing facilities that want

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1 these enforceable limits to exempt their tanks from
 2 the requirements of OOOO or OOOOa, and those are the
 3 previous -- the current rules that are in place,
 4 that that will not be affected by the emergency
 5 rule.
 6 And we can confirm -- in our response, we
 7 can confirm that existing facilities do not need to
 8 make any changes to their current PBR and if they've
 9 already taken a 6 TPY limit to exempt their tanks
 10 from OOOO or OOOOa, but that existing facilities
 11 will covered by the current PBR.
 12 Further, there is the issue of the
 13 Emission Guidelines that have been developed under
 14 this new rule, and that's referred to as OOOOc.
 15 Those Emission Guidelines are a few years in the
 16 future, and that will probably need to be addressed
 17 at some point, but that action has been deferred in
 18 today's rulemaking.
 19 Comment 9. The Alliance asked if
 20 air-assisted flares will be allowed under the new
 21 PBR. Our response is that air-assisted flares, as a
 22 control option to demonstrate compliance with the
 23 LPE limits that were discussed above are not - I'll
 24 say again - not allowed under the PBR. However, an
 25 air-assisted flare may be used under the PBR to

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1 control emissions from "storage vessel affected
 2 facilities" if those "storage vessel affected
 3 facilities" are subject to the requirements of the
 4 NSPS. So air-assisted flares, steam-assisted
 5 flares, other flares, if those flares are operated
 6 in accordance with OOOOb, those are allowed under
 7 the PBR; they're not allowed to support LPE limits.
 8 Next slide.
 9 Question 10. The Alliance asked if the
 10 PBR registration form has been developed, alas, it
 11 has not. We've been thinking about development of
 12 these forms, but that will be downstream of what
 13 occurs today with regard to this rulemaking.
 14 Comment 11. The Alliance requested that
 15 the method referenced in proposed rule language be
 16 changed to include the use of GPA Method 2261 and,
 17 as we mentioned previously, we have endorsed that
 18 comment and that language is now added to the
 19 emergency proposal.
 20 Next slide.
 21 Comment 12. The Alliance asked the
 22 following rule -- asked for the following rule
 23 language change, and this again goes to this idea of
 24 are we requiring monthly and 12-month rolling total
 25 emission calculations or could that just be a

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1 requirement for throughput.
 2 Next slide.
 3 Our response is that due to the nature of
 4 the PBR and the nature of the cap, the throughput
 5 limits are not acceptable as the exclusive method of
 6 demonstrating continuous compliance. Therefore, we
 7 believe that individual facility permit is a more
 8 appropriate vehicle for developing that sort of
 9 method of compliance, but that for the PBR, due to
 10 its generic nature, needs to have monthly and
 11 12-month totals both in terms of throughput, but
 12 also in terms of emission calculations to
 13 demonstrate compliance with this cap.
 14 Next slide.
 15 Chapter 100, Subchapter 7 Changes. This
 16 concludes my presentation on our proposed changes to
 17 Chapter 100, Subchapter 7. We would note staff
 18 requests that the Air Quality Council recommend the
 19 proposed rule revisions to Subchapter 7-60.5 as
 20 presented today, that those be recommended to the
 21 Air Quality Board -- or, sorry, the Environmental
 22 Quality Board for adoption as an emergency rule.
 23 Thank you for listening, and I will now
 24 turn it over to Beverly Botchlet-Smith and she will
 25 take the next steps.

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1 Thank you, Beverly.
 2 MS. BOTCHLET-SMITH: Thanks, Tom.
 3 At this time, we can take questions
 4 from the Council. Any discussion?
 5 MR. CAVES: Mr. Richardson, I had a
 6 question on Slide 17, I think it was a response to
 7 Alliance Comment 11, the addition of other approved
 8 method. Is that just to allow some latitude in
 9 enforcement, discretion, is that what the intent is
 10 there?
 11 MR. RICHARDSON: I hadn't really thought
 12 about it that way, but I think -- these methods are
 13 under development, and I think the language of the
 14 EPA is something like generally accepted methods; so
 15 I think that would be handled in our guidance.
 16 We have guidance that is currently in
 17 place, and I think that guidance will be evolving
 18 and as new methods are developed, some may be
 19 developed by EPA, some may be developed by, you
 20 know, various entities. I think we want to just be
 21 able to evaluate that and add that to our list of
 22 approved methods, but yes.
 23 MS. BOTCHLET-SMITH: Any other questions?
 24 We have one notice of comment from
 25 the audience, Bud Ground from the Petroleum

<p style="text-align: right;">Page 25</p> <p>1 Alliance.</p> <p>2 Bud, do you want to comment still?</p> <p>3 MR. GROUND: I feel like I should. Good</p> <p>4 morning, I'm Bud Ground with the Petroleum Alliance</p> <p>5 of Oklahoma, and I want to just to tell you thank</p> <p>6 you for the response. I did not see it this</p> <p>7 morning, so I -- this is the first I'm seeing of it,</p> <p>8 but I need to go back and read it in detail. I</p> <p>9 think you did a -- you've done a very good job of, I</p> <p>10 believe, answering the question -- questions and</p> <p>11 making the one change.</p> <p>12 The 12-month rolling average versus</p> <p>13 monthly, I'm still not sure about that, I don't know</p> <p>14 that I even have a question to ask for it, but I</p> <p>15 will -- I thought you did answer; so I appreciate</p> <p>16 that.</p> <p>17 And this came from multiple companies</p> <p>18 within the Alliance, this was not any -- it's</p> <p>19 definitely not from me, it was from multiple</p> <p>20 companies that had questions about how this was</p> <p>21 going to be implemented in the compliance, and of</p> <p>22 course we want to comply with these regulations; so</p> <p>23 we want to make sure we understand what they are.</p> <p>24 I really don't have anything further</p> <p>25 to ask, but I do appreciate your response and what</p>	<p style="text-align: right;">Page 27</p> <p>1 So it is an interim patch, per se.</p> <p>2 MS. BOTCHLET-SMITH: We're just confirming</p> <p>3 that that is the correct date of expiration?</p> <p>4 CHAIRWOMAN LODES: Right?</p> <p>5 MR. COUCH: It expires one year after</p> <p>6 adoption or a year after the date they choose to</p> <p>7 adopt it. So emergency rules -- by the way, I'm</p> <p>8 Travis Couch, supervising attorney. Emergency rules</p> <p>9 are -- once adopted by the board, the Governor has</p> <p>10 45 days to act on that, and at that point they are</p> <p>11 immediately effective instead of waiting until</p> <p>12 legislative approval and all that, as permanent</p> <p>13 rules normally would.</p> <p>14 After they're effective, they're only</p> <p>15 allowed to be effective for one year; so we have one</p> <p>16 year from that effective date to make a permanent</p> <p>17 rule that reflects the changes we want.</p> <p>18 CHAIRWOMAN LODES: So will we have a gap</p> <p>19 next summer? If we have -- if this rule goes into</p> <p>20 effect in, like, July and we've amended it, but it</p> <p>21 can't go final for our permanent version until</p> <p>22 September, are we going to have a gap?</p> <p>23 MR. COUCH: We could -- I think the plan,</p> <p>24 when you mentioned September, was to make it</p> <p>25 effective -- instead of being effective immediately</p>
<p style="text-align: right;">Page 26</p> <p>1 you've done for this.</p> <p>2 MS. BOTCHLET-SMITH: Thank you.</p> <p>3 I do want to give anyone else in the</p> <p>4 audience that would like to ask a question or make a</p> <p>5 comment the opportunity to do so. So if anyone has</p> <p>6 a comment, would you please raise your hand?</p> <p>7 CHAIRWOMAN LODES: There are none.</p> <p>8 MS. BOTCHLET-SMITH: Okay. Seeing none,</p> <p>9 we'll give the Council one more opportunity to ask</p> <p>10 questions or discuss their options.</p> <p>11 CHAIRWOMAN LODES: And so everyone</p> <p>12 understands, this is an emergency rule; so we have</p> <p>13 one year to correct and revise it, correct? And</p> <p>14 that's -- isn't that correct on it, we have one year</p> <p>15 on it?</p> <p>16 MS. FOSTER: It will expire in September.</p> <p>17 Next September.</p> <p>18 CHAIRWOMAN LODES: So September of '25, so</p> <p>19 we will have to act on it -- this will be back</p> <p>20 before us again. It's an emergency rule because of</p> <p>21 the deadlines for this -- because of when the</p> <p>22 effective date of OOOOb is, and then we're going to</p> <p>23 see this again, likely at the next couple Council</p> <p>24 meetings, as we try to get into a final set of</p> <p>25 rulemaking for something that we're going to have.</p>	<p style="text-align: right;">Page 28</p> <p>1 upon Governor approval, set the date for September</p> <p>2 so there is no gap. So it's going to be effective a</p> <p>3 little bit later, but there won't be a gap next</p> <p>4 summer.</p> <p>5 CHAIRWOMAN LODES: Okay.</p> <p>6 MR. COUCH: Yeah.</p> <p>7 CHAIRWOMAN LODES: So we won't actually --</p> <p>8 MR. KEELE: Do you want to do that now or</p> <p>9 do you want to do it later?</p> <p>10 MR. COUCH: Right.</p> <p>11 CHAIRWOMAN LODES: So if we -- we can</p> <p>12 adopt it as the emergency rule, but we won't be able</p> <p>13 to use it -- or, I guess we can start -- it won't be</p> <p>14 in effect until September?</p> <p>15 MS. FOSTER: So we -- the Governor's -- so</p> <p>16 go to the EQB and then the Governor's review time;</p> <p>17 so that's probably the most squish of what timing</p> <p>18 because we don't know, that 45 days that he has,</p> <p>19 when he will do that in there. But the expectation</p> <p>20 is that we will let it be effective upon his</p> <p>21 signature, I still think.</p> <p>22 MR. COUCH: Yeah. Yes. So -- and it will</p> <p>23 -- okay. It will be effective through</p> <p>24 September 14th, following the next legislative</p> <p>25 session; so I misspoke a little bit earlier.</p>

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1 CHAIRWOMAN LODES: Okay. So we won't have
 2 a gap?
 3 MR. COUCH: No.
 4 CHAIRWOMAN LODES: Okay.
 5 MS. FOSTER: If we get a permanent rule in
 6 place by our October Council meeting.
 7 CHAIRWOMAN LODES: So we have to pass the
 8 permanent rule this coming October for it to be in
 9 effect by September '25; correct?
 10 MS. FOSTER: (Nodded head).
 11 CHAIRWOMAN LODES: Okay. So we will be
 12 seeing this rule again in July and October, as a
 13 Final Rule.
 14 MS. BOTCHLET-SMITH: I just -- I would
 15 like to recognize Bud Ground. I think he had a
 16 question related to this.
 17 MR. GROUND: I do. Do you want me to come
 18 back up there or just --
 19 MS. BOTCHLET-SMITH: If you would, just to
 20 make sure the microphones capture it.
 21 MR. GROUND: Bud Ground with Petroleum
 22 Alliance. I actually had one other question that
 23 was not included in this letter that I sent to
 24 Melanie, and it actually had to do with the gap
 25 because there is a gap for those facilities that go

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1 into operation between May 7th and September or
 2 whenever that goes. So there is -- and I just
 3 wanted them to maybe explain how -- how the agency's
 4 going to handle that gap period.
 5 MR. RICHARDSON: Thank you for the
 6 question. So we would recognize that May 7th is
 7 when the effective date of this rule goes into
 8 effect, so the rule that we're discussing today will
 9 not be in place by May 7th.
 10 And in addition, we would point out
 11 December 6th of 2022 is the date after which
 12 facilities that were constructed and began operation
 13 are potentially subject, and in this case,
 14 retroactively starting on May 7th.
 15 So there will be a gap between
 16 December 6th of 2022 and whenever this rule finally
 17 is approved by the Governor, and during that gap,
 18 any facility that was constructed and operated that
 19 has emission units subject to this regulation will
 20 just have to operate under that regulation.
 21 So these LPE limits that we're
 22 putting in place now, those LPE limits will only
 23 start after approval by the Governor. So there will
 24 be a gap for facilities with -- "storage vessel
 25 affected facilities" subject to OOOOb requirements,

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1 and they will just have to comply with OOOOb.
 2 At least, that is our current
 3 interpretation, and I'm looking for Rick Groshong,
 4 who's our --
 5 MS. FOSTER: Individual permit options.
 6 MR. RICHARDSON: I would say -- Melanie,
 7 thank you.
 8 So Melanie pointed out the only
 9 alternative is to accept an LPE limit under an
 10 individual facility permit, but just due to the time
 11 necessary to apply and get that approved, I don't
 12 know that we've had a single facility come through
 13 the individual permitting process. But again,
 14 apologies, we don't have a mechanism to address
 15 that, at least until this rule is final.
 16 And Rick, did you want to speak to
 17 that or --
 18 MR. GROSHONG: No, I think it..
 19 MR. RICHARDSON: Thanks again for the
 20 question.
 21 MS. BOTCHLET-SMITH: Thank you, Tom.
 22 So back to the Council for any
 23 additional questions?
 24 MR. FARRELL: It's not a question, but I
 25 guess you can blame the lawyer. I just wanted to

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1 point out one technical edit, this would be on
 2 Subsection (E), Recordkeeping, and would be Part
 3 (5). We've got an "and" after the comma, which I
 4 would just propose to move down to 6, place the
 5 comma after 6, followed by "and" since we're rolling
 6 into 7 there. Does that make sense?
 7 MR. KEELE: Yep.
 8 CHAIRWOMAN LODES: Thank you.
 9 Any other comments or discussion by
 10 the Council?
 11 MR. COUCH: Mr. Farrell? Could you make
 12 that in a motion so it's on the record?
 13 CHAIRWOMAN LODES: Yeah, I was going to
 14 say, the -- well, I need to call for a motion now if
 15 we have no other comments; right?
 16 MS. BOTCHLET-SMITH: Right.
 17 CHAIRWOMAN LODES: Yeah.
 18 MS. BOTCHLET-SMITH: But it does need to
 19 include that.
 20 CHAIRWOMAN LODES: Yes.
 21 So if we have no other comments or
 22 discussions, I need a motion to approve the rule and
 23 I need it to include your edits.
 24 MR. FARRELL: Okay. Well, I move to
 25 approve the rule with the amendment to subparagraph


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1 (E), Recordkeeping, with the revision to
 2 subparagraph (5), moving "and" down to 6 and placing
 3 a comma after 6, followed by "and". Subject to
 4 those edits, I move to approve the rule.
 5 CHAIRWOMAN LODES: I have a motion. Do I
 6 have a second?
 7 MR. CAVES: I'll second.
 8 CHAIRWOMAN LODES: I have a motion and a
 9 second. Please call roll.
 10 MS. FIELDS: Mr. Caves?
 11 MR. CAVES: Yes.
 12 MS. FIELDS: Mr. Elliott?
 13 MR. ELLIOTT: Yes.
 14 MS. FIELDS: Mr. Farrell?
 15 MR. FARRELL: Yes.
 16 MS. FIELDS: Mr. Keele?
 17 MR. KEELE: Yes.
 18 MS. FIELDS: Mr. Privrat?
 19 MR. PRIVRAT: Yes.
 20 MS. FIELDS: Mr. Taylor?
 21 MR. TAYLOR: Yes.
 22 MS. FIELDS: Ms. Lodes?
 23 CHAIRWOMAN LODES: Yes.
 24 MS. FIELDS: Motion passed.
 25 CHAIRWOMAN LODES: Thank you.

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1 MS. BOTCHLET-SMITH: That concludes the
 2 hearing portion of today's meeting.
 3 (HEARING CONCLUDED AT 9:38 AM)
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1 CERTIFICATE
 2 I, Jenny Longley, Certified Shorthand
 3 Reporter within and for the State of Oklahoma, do
 4 hereby certify that the above and foregoing hearing
 5 was by me taken in shorthand and thereafter
 6 transcribed; and that I am not an attorney for nor
 7 relative of any of said parties or otherwise
 8 interested in the event of said action.
 9 IN WITNESS WHEREOF, I have hereunto
 10 set my hand and official seal this 2nd day of
 11 May, 2024.
 12
 13 
 14 Jenny Longley, CSR
 15 CSR # 1903
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AIR QUALITY ADVISORY COUNCIL

Attendance Record
 April 24, 2024 (Special Meeting)
 Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Cheryl Bradley	DEQ - AQD
Malcolm Zachariah	DEQ-AQD
Jeff Taylor	DEQ AQD
MELANIE FOSTER	DEQ AQD
Kendal Stegmann	AQD
Tom Richardson	DEQ, AQD
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Eli Klimek	DEQ
Jun Wang	DEQ
Phillip Fields	DEQ
Camus Frey	DEQ
Rick Gousshouw	DEQ



AIR QUALITY ADVISORY COUNCIL
Attendance Record
April 24, 2024 (Special Meeting)
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

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