

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process
252:4-7-13. [AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:4-7-13, Notices – specifically, subsection (g), Additional notice content requirements for Clean Air Act Permits – to align the Department’s notice content requirements for Prevention of Significant Deterioration (PSD) permits with those promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Section 51.166. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules are not less stringent than the federal rules. This will remove an obstacle in EPA Region 6 staff's review and approval of relevant portions of Oklahoma's State Implementation Plan (SIP), which will help ensure that the Department retains the PSD program.

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.
Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.
Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 18, 2017. Oral comments may be made at the January 18, 2017 hearing and at the February 17, 2017 Environmental Quality Board hearing.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 18, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102. In case of inclement weather, an alternate date is scheduled for Tuesday, January 24, 2017 at the same location. In the event the alternate date is needed, the comment period will extend to include that date.

If due to inclement weather the public hearing scheduled for January 18, 2017 is cancelled, notice announcing the hearing cancellation will be posted on the DEQ website (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 24 hours prior to the scheduled time for the hearing. Interested parties may call (405) 702-4100 to find out if the hearing has been cancelled.

Before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 17, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

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(6)(c), 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(B)(9).

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,

recordkeeping, 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:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after December 15, 2016 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 Melanie Foster, Environmental Programs Manager, at (405)702-4100. Please send written comments on the proposed rule changes to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. 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.

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits for Minor Facilities

Part 9. Permits By Rule

252:100-7-60.5. [AMENDED]

Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills

252:100-47-3. [AMENDED]

252:100-47-4. [REVOKED]

252:100-47-5. [AMENDED]

252:100-47-6. [AMENDED]

252:100-47-7. [AMENDED]

252:100-47-8. [AMENDED]

252:100-47-9. [AMENDED]

252:100-47-10. [AMENDED]

252:100-47-11. [AMENDED]

252:100-47-12. [AMENDED]

252:100-47-13. [AMENDED]

252:100-47-14. [AMENDED]

Appendix R. Emissions Calculations for Municipal Solid Waste Landfills [NEW]

SUMMARY:

The Department is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, to add references to the U.S. Environmental Protection Agency's (EPA's) recently promulgated New Source Performance Standards (NSPS) in 40 CFR Part 60, Subpart OOOOa. Additionally, the proposed amendment would allow the use of federally enforceable limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to ensure that the current PBR covers facilities subject to NSPS Subpart OOOOa and the emission calculation methodologies contained therein and clarifies source eligibility criteria for the PBR.

The Department proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to incorporate new federal guidelines into the state rules. The proposed rule would implement the provisions of 40 CFR Part 60, Subpart Cf, the federal emission guidelines published by EPA in the Federal Register on August 29, 2016 (81 FR 59313). Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rules affect municipal solid waste (MSW) landfills that commenced construction, modification, or reconstruction before July 17, 2014 that accept or can accept municipal solid waste, as well as closed landfills. Landfill gas collection and control systems will be required for landfills with design capacities of at least 2.5 million megagrams or 2.5 million cubic meters and have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. The proposal would also add a new Appendix R, Emissions Calculations for Municipal Solid Waste Landfills, to incorporate equations pertinent to the proposed rule.

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.
Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.
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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, recordkeeping, 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.

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