

MINUTES
AIR QUALITY ADVISORY COUNCIL
October 10, 2018
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at January 16, 2019 meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 10, 2018, at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. Notice of the meeting was forwarded to the Office of Secretary of State on October 18, 2017. 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 forms were available at the registration table for anyone wishing to comment on any of the rules. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Montelle Clark
Gary Collins
Robert Delano
Gregory Elliott
Jim Haught
Jeffrey Taylor
Laura Lodes

MEMBERS ABSENT

Gerald Butcher
Steve Landers

DEQ STAFF PRESENT

Eddie Terrill
Beverly Botchlet-Smith
Cheryl Bradley
Madison Miller
Brooks Kirlin
Tad Alford
Jonathan Truong
Nancy O'Brien
Quiana Fields
Grant Loney
Curt Goeller
Phillip Fielder
Carrie Schroeder

Cooper Garbe
Melanie Foster
Bryan Sims
Malcolm Zachariah
Diana Scholtz
Alicia Foster
Lloyd Kirk
Rob Singletary
Heather Lerch
Christina Hagens

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the June 20, 2018 Regular Meeting. Mr. Taylor moved to approve and Mr. Haught made the second.

See transcript pages 4 - 5

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Meeting Schedule for Calendar Year 2019 – Ms. Lodes stated the proposed meeting scheduled dates are: January 16 in Oklahoma City, June 19 in Tulsa and October 16 in Oklahoma City. Mr. Haught moved to approve the proposed dates and Mr. Elliott made the second.

See transcript pages 5 - 6

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control

OAC 252:100-37. Control of Emission of Volatile Organic Compounds (VOCs)

252:100-37-27. Control of emission of VOCs from aerospace industries coatings operations [NEW]

OAC 252:100-39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

252:100-39-47. Control of VOC emissions from aerospace industries coatings operations [AMENDED]

Appendix N. Specialty Coatings VOC Content Limits [REVOKED]

Appendix N. Specialty Coatings VOC Content Limits [NEW]

Mr. Cooper Garbe, Environmental Programs Specialist of the Air Quality Division (AQD), stated the Department is proposing to add a new section 252:100-37-27, Control of emission of VOCs from aerospace industries coatings operations, for existing or new aerospace vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities. Additionally, the Department is proposing to amend 252:100-39-47 to correct minor typographical errors, incorporate the latest changes to the aerospace NESHAP, and ensure regulatory consistency with proposed section 252:100-37-27. Lastly, the Department is proposing to revoke Appendix N and replace it with a new Appendix N. Mr. Garbe stated that the staff recommends that the Council carry this rule forward to a subsequent meeting. Following questions and comments by the Council and by the public, Ms. Lodes called for a motion to carry the rule proposal forward to a subsequent meeting. Mr. Taylor moved to approve the rule over to the next meeting, January 16 and Dr. Delano made the second. Ms. Foster then suggested to amend the motion due to inclement weather and to carry the meeting over to a subsequent meeting instead of mentioning the next meeting, which is January 16. Ms. Botchlet-Smith intervened and mentioned a motion and a second is on the table, so the Council needs to vote that amendment down and then proceed to vote on the rule to carry it over. Ms. Lodes called for a roll call vote to vote the rule down and the motion presented was failed.

See transcript pages 8 - 22

Montelle Clark	No	Jim Haught	No
Gary Collins	No	Jeffrey Taylor	No
Robert Delano	No	Laura Lodes	No
Gregory Elliott	No		

Ms. Lodes called for a new motion for the OAC 252:100-39-47 rule. Mr. Taylor moved to postpone the rule to the next subsequent meeting and Mr. Haught made the second.

See transcript pages 21 - 22

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control

OAC 252:100-39 Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

252:100-39-4. Exemptions [AMENDED]

Mr. Garbe stated the Department is proposing to amend 252:100-39-4, Exemptions, to correct a typographical error and add 252:100-39-42, Metal Cleaning, to the sections of 252:100-39 from which VOCs with vapor pressures less than 1.5 pounds per square inch absolute are exempted. Mr. Garbe stated that the staff would recommend the Council carry this rule forward to a

subsequent meeting. Hearing no questions or comments by the Council or the public, Ms. Lodes called for a motion. Mr. Haught moved that the rule be carried over to a subsequent meeting and Mr. Elliott made the second.

See transcript pages 22 – 26

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control
OAC 252:100-39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
252:100-39-40. Cutback asphalt (paving) [AMENDED]

Mr. Garbe stated the Department is proposing to amend 252:100-39-40, Cutback asphalt (paving), to correct the dates of Oklahoma’s non-oxidant season, which should be December 1 through the last day of February. The gist of this rulemaking is to ensure that cutback asphalt cannot be used during Oklahoma’s extended ozone season. Following questions and comments by the Council and none by the public, Ms. Lodes called for a motion. Mr. Haught moved to approve the DEQ’s proposed amendments to 252:100-39-40 and Mr. Taylor made the second.

See transcript pages 26 - 31

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control
OAC 252:100-39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
252:100-39-41. Storage, loading and transport/delivery of VOCs [AMENDED]

Mr. Garbe stated the Department is proposing to amend 252:100-39-41, Storage, loading, and transport/delivery of VOCs to allow for the use of alternative testing methods for leak inspections, to revise references used for pressure and vapor testing to the most recent EPA regulations, and to update tank truck tag requirements to reflect current practices. Following questions and comments by the Council and none by the public, Ms. Lodes called for a motion. Mr. Haught moved to approve the proposed changes to 252:100-39-41 and Mr. Collins made the second.

See transcript pages 31 - 41

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Chapter 100. Air Pollution Control
OAC 252:100-2. Incorporation By Reference [AMENDED]
Appendix Q. Incorporation By Reference [REVOKED]
Appendix Q. Incorporation By Reference [NEW]

Ms. Nancy O’Brien, Environmental Programs Specialist of the AQD, stated the Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. Hearing no questions

or comments by the Council or the public, Ms. Lodes called for a motion. Mr. Haught moved to approve the recommended changes to update Appendix Q and Mr. Elliott made the second.

See transcript pages 41 - 44

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting. Ms. Foster intervened and stated the motion may have only approved Appendix Q and not Subchapter 2 so following a discussion, Ms. Lodes called for a motion to reopen the hearing portion of the meeting. Mr. Taylor made a motion to reopen the hearing and Dr. Delano made the second.

See transcript pages 44 - 46

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

Ms. Lodes stated we believe the prior motion may have only approved Appendix Q we need a motion to approve Subchapter 2. Mr. Haught made a motion to approve the proposed changes to Subchapter 2 and Mr. Taylor made the second.

See transcript pages 46 - 47

Montelle Clark	Yes	Jim Haught	Yes
Gary Collins	Yes	Jeffrey Taylor	Yes
Robert Delano	Yes	Laura Lodes	Yes
Gregory Elliott	Yes		

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

See transcript page 47

Presentation – Mr. Curt Goeller, Environmental Programs Manager of the AQD, gave a presentation on the 2018 Ozone Season Review and Looking Ahead. Ms. O'Brien gave a presentation on the Ozone Advance Program Overview.

Division Director's Report – Mr. Eddie Terrill, Division Director of the AQD, provided an update on other Division activities.

New Business – None

Adjournment – The next scheduled regular meeting is on Wednesday, January 16, 2019 in Oklahoma City. Meeting adjourned at 11:00 a.m.

Transcript and attendance sheet are attached as an official part of these Minutes.

REGULAR MEETING/HEARING AGENDA
AIR QUALITY ADVISORY COUNCIL

OCTOBER 10, 2018

TRANSCRIBED BY: NIA J. PARSONS, RPR

WORD FOR WORD REPORTING, L.L.C.

111 HARRISON AVENUE

SUITE 101

OKLAHOMA CITY, OKLAHOMA 73104

(405) 232-9673

<p style="text-align: right;">Page 2</p> <p>1 BOARD MEMBERS PRESENT: 2 3 Chairman Laura Lodes 4 5 Mr. Montelle Clark 6 Vice-Chair Gary Collins 7 Dr. Robert Delano 8 Mr. Gregory Elliott 9 Mr. Jim Haught 10 Mr. Jeffrey Taylor 11 12 13 BOARD MEMBERS ABSENT: 14 15 Mr. Gerald Butcher 16 Mr. Steve Landers 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. FIELDS: We have a quorum. 2 MS. LODES: Thank you. 3 The next item on today's agenda is the 4 approval of the minutes from the June 20th, 2018, 5 regular meeting. 6 Do we have any questions or comments on 7 the minutes? 8 (No audible response.) 9 MS. LODES: Do we have a motion to 10 approve the minutes? 11 MR. TAYLOR: So move. 12 MR. HAUGHT: I'll second that. 13 MS. LODES: I have a motion and a second. 14 You have that down, Quiana? 15 MS. FIELDS: Yes. 16 MS. LODES: Okay. Please call roll. 17 MS. FIELDS: Mr. Clark? 18 MR. CLARK: Yes. 19 MS. FIELDS: Mr. Collins? 20 MR. COLLINS: Yes. 21 MS. FIELDS: Dr. Delano? 22 DR. DELANO: Yes. 23 MS. FIELDS: Mr. Elliott? 24 MR. ELLIOTT: Yes. 25 MS. FIELDS: Mr. Haught?</p>
<p style="text-align: right;">Page 3</p> <p>1 MR. TERRILL: All right. So Quiana will 2 be our official note taker. Be sure and speak into the 3 microphones when you talk from the council table. And 4 anybody that speaks needs to come to the podium to make 5 sure we pick up your comments. 6 Laura? 7 MS. LODES: I'll call the today's meeting 8 to order. 9 Quiana, please call roll. 10 MS. FIELDS: Mr. Butcher is absent. 11 MS. FIELDS: Mr. Clark? 12 MR. CLARK: Present. 13 MS. FIELDS: Mr. Collins? 14 MR. COLLINS: Present. 15 MS. FIELDS: Dr. Delano? 16 DR. DELANO: Present. 17 MS. FIELDS: Mr. Elliott? 18 MR. ELLIOTT: Present. 19 MS. FIELDS: Mr. Haught? 20 MR. HAUGHT: Here. 21 MS. FIELDS: Mr. Landers is absent. 22 Mr. Taylor? 23 MR. TAYLOR: Here. 24 MS. FIELDS: Ms. Lodes? 25 MS. LODES: Here.</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. HAUGHT: Yes. 2 MS. FIELDS: Mr. Taylor? 3 MR. TAYLOR: Yes. 4 MS. FIELDS: Ms. Lodes? 5 MS. LODES: Yes. 6 MS. FIELDS: Motion passed. 7 MS. LODES: The next item on today's 8 agenda is a meeting schedule for calendar year 2019. 9 We have a proposed schedule in here, if I can find it 10 fast enough. Okay. We've got proposed dates of 11 January 16th, 2019, in Oklahoma City; June 19th, 2019, 12 in Tulsa; and October 16th, 2019, in Oklahoma City. 13 Do we have any questions on these dates? 14 Does this line up with the EFO? 15 MR. GROUNDS: I was wondering if this was 16 fall break next year. It lines up with EFO, but it may 17 not -- it may fall during fall break. 18 MS. LODES: The October 16th? 19 MR. GROUNDS: Fall break. 20 MS. LODES: So that is going to be the 21 week of EFO? 22 MR. GROUNDS: No. 23 MS. LODES: Oh, okay. So those dates -- 24 we've had to move it for EFO a couple of times. 25 Do we have any questions or concerns</p>

Page 6

1 regarding those dates?
 2 (No audible response.)
 3 MS. LODES: Then I need a motion to
 4 approve these dates.
 5 MR. HAUGHT: I'll move to approve the
 6 proposed dates for 2019 meetings.
 7 MR. ELLIOTT: I'll second.
 8 MS. LODES: I have a motion and a second.
 9 Please call roll.
 10 MS. FIELDS: Mr. Clark?
 11 MR. CLARK: Yes.
 12 MS. FIELDS: Mr. Collins?
 13 MR. COLLINS: Yes.
 14 MS. FIELDS: Dr. Delano?
 15 DR. DELANO: Yes.
 16 MS. FIELDS: Mr. Elliott?
 17 MR. ELLIOTT: Yes.
 18 MS. FIELDS: Mr. Haught?
 19 MR. HAUGHT: Yes.
 20 MS. FIELDS: Mr. Taylor?
 21 MR. TAYLOR: Yes.
 22 MS. FIELDS: Ms. Lodes?
 23 MS. LODES: Yes.
 24 MS. FIELDS: Motion passed.
 25 MS. BOTCHLET-SMITH: Good morning. I'm

Page 7

1 Beverly Botchlet-Smith. I'm the Assistant Director of
 2 the Air Quality Division, and, as such, I'll serve as a
 3 protocol officer for today's hearings.
 4 The hearings will be convened by the Air
 5 Quality Council in compliance with the Oklahoma
 6 Administrative Procedures Act in Title 40 of the Code
 7 of Federal Regulations Part 51, as well as the
 8 authority of Title 27A of the Oklahoma Statutes,
 9 Section 2-2-201 and Sections 2-5-101 through 2-5-117.
 10 Notice of the October 10th, 2018,
 11 hearings were advertised in the Oklahoma Register for
 12 the purpose of receiving comments pertaining to a
 13 proposed -- excuse me -- OAC Title 252 Chapter 100
 14 rules as listed on the agenda and will be entered into
 15 each record along with the Oklahoma Register filing.
 16 Notice of the meeting was filed with the
 17 Secretary of State on October 18th, 2017. The agenda
 18 was duly posted 24 hours prior to the meeting here at
 19 the DEQ. If you wish to make a statement, it's very
 20 important for you to complete the form at the
 21 registration table, and you'll be called upon at the
 22 appropriate time.
 23 Audience members, please come to the
 24 podium for your comments and please state your name.
 25 And that's extra important today with our recording.

Page 8

1 So, at this time, we'll proceed with
 2 what's marked as agenda item 5A on the hearing agenda.
 3 That is Chapter 100, Air Pollution Control. OAC
 4 252:100-37 Control of Emission of Volatile Organic
 5 Compounds, or VOCs. 252:100-37-27, Control of Emission
 6 of VOCs from aerospace industries coatings operations,
 7 which is new. OAC 252:100-39, Emission of Volatile
 8 Organic Compounds in Nonattainment Areas and Former
 9 Nonattainment Areas. 252:100-39-47, Control of VOC
 10 emissions from aerospace industries coatings
 11 operations, amended. Appendix N, Specialty Coatings
 12 VOC Content Limits, which is being revoked. And the
 13 new Appendix N, Specialty Coatings for VOC Content
 14 Limits.
 15 The presentation for this will be given
 16 by Mr. Cooper Garbe of our staff. Cooper?
 17 MR. GARBE: Thank you, Beverly.
 18 Madam Chair, Council, members of the
 19 public, good morning. I'm Cooper Garbe with the Air
 20 Quality Rules and Planning Group. I'm going to run
 21 through our 37-39 Appendix N proposal this morning. If
 22 you'll remember, this is a carry-over from our June
 23 meeting where we first presented it, and so I'll kind
 24 of run back through it just to refresh your memory a
 25 little bit, and then I will let you know of a couple of

Page 9

1 changes we've made since that meeting in response to
 2 comments.
 3 So, first of all, this particular
 4 proposal is for aerospace coating operations. And, in
 5 37-25, we have a general coatings section where we have
 6 a list of coatings and limits that are to be adhered
 7 to. At the same time, in Subchapter 39, which is a
 8 nonattainments and former nonattainment area
 9 subchapter, we have aerospace specific coating rule.
 10 And so what we have found is that, between the two, we
 11 were having a hard time matching up the limits that
 12 facilities are subject to between those two different
 13 subchapter and subsection rules. So what we did is we
 14 have proposed to add a new section, 37-27, for
 15 aerospace coatings that would be applicable statewide.
 16 It would mirror 37- 39-47, which is the Tulsa County
 17 only aerospace rules, and matches up more closely with
 18 NESHAP Subpart GG. So, at the same time, for specialty
 19 coatings, Appendix N was being used to reference for
 20 specialty coatings. The current Appendix N is only to
 21 be used for Subchapter 39 Section 47 for the Tulsa only
 22 portion of the aerospace coatings rules. We have
 23 proposed to open that up and revoke it as per protocol
 24 and create a new Appendix N so that it may be used by
 25 our new section in 37 for statewide applicability of

Page 10

1 aerospace coatings operations.
2 I'll go ahead and go through some of the
3 changes that were made since the June meeting in
4 response to comments, and then, as well, let you know
5 of a little update on what we have in mind for this
6 particular rule. So we received comments prior to the
7 June meeting from American Airlines that we have since
8 responded to. You may find those in your packet or on
9 our website. Specific changes that we've made in
10 response to American Airlines' comments, in our
11 Response to Comments Document Number 4, American
12 commented that 39-3 be removed from Subchapter 39-47,
13 the Tulsa only aerospace coatings rule. Such that
14 applicability to Subchapter 39, specifically Section 47
15 where it exempts a facility from 37 requirements,
16 specifically Sections 25, 26, and 27. That was the
17 comment.
18 Our response reads, "The Department
19 agrees with the concern American has raised regarding
20 dual regulations between Subchapters 39 and 37, and the
21 Department does not think that 39-3, general
22 applicability, is the appropriate section to address
23 these concerns. Although, a new provision has been
24 added to 39-47(a)(1), addressing the concern which
25 states coating operations subject to this section are

Page 11

1 exempt from the requirements of OAC 252:100-37-25 and
2 252:100-37-27."
3 So you'll find that new comment, that new
4 addition there in 39-47(a)(1), that was made to keep
5 from duly regulating these facilities between Tulsa
6 County and statewide regulation. That was the first
7 change we made.
8 Secondly, you'll find in our Comments and
9 Responses Document Number 9, American requested a
10 sentence stating that compliance with 40 CFR Part 63
11 Subpart GG will be considered as compliance with this
12 section, similar to one already stated in 252:100-37-27
13 and the proposal for that. Our response was the
14 Department agrees with this and it's added this in the
15 requested language as 100-39-47(a)(4).
16 One thing to note here is that our
17 version that was published on our website was a middle
18 version and not the final version, and so that
19 particular part, (a)(4), was left out. It has since
20 been put into your packet, I believe, for Council, and
21 there's a copy at the sign-in table for members of the
22 public that might want to see that. As you can see by
23 our Comments and Responses Document, that was an
24 intended addition following the June meeting all along.
25 As I said, the website, we had a little bit of a

Page 12

1 posting issue where we found the wrong person to be
2 posted, and so that was one thing that was missing from
3 there.
4 The other thing missing from that version
5 was the update of a date change for the NESHAP GG. We
6 proposed in June to update it to, I believe, December.
7 July 1st -- I believe -- I believe we proposed in June
8 to update it to December of 2014, if I'm not mistaken,
9 and we have since changed that to August 3rd, 2016.
10 That's the other change that was not published on our
11 website.
12 MR. HAUGHT: Cooper, where -- where is
13 that part referenced -- (inaudible?)
14 MR. GARBE: That is in -- excuse me --
15 39-47(b). Sorry.
16 MR. HAUGHT: Okay.
17 MR. GARBE: Moving on to the last
18 addition that we've made since the June meeting in
19 response to a comment made by American that requested
20 that housekeeping solvent cleaning operations subject
21 to 100-39-47 be exempted from 100-39-42 per a
22 Department memo dated June 1st, 2016. What we came up
23 with was a rule proposal for 39-4 for exemptions. We
24 placed 39-42 in a proposal for the exemptions section
25 in 39-4 to alleviate this concern. At the time, we

Page 13

1 didn't believe that carving out a 39-42 exemption into
2 the aerospace rule of 39-47 was necessary. Since then,
3 as our staff has discussed this and -- and thought
4 things through a little bit, we are going to -- this is
5 a little bit further down on the agenda, but we are
6 actually going to ask 39-4 to be carried over because
7 we want to evaluate what that addition to the exemption
8 section, what the implications may really be as we have
9 not yet had a chance to really dig into what kind of
10 VOCs at a certain level listed in 39-4 may be. And so,
11 with that being said that we may be -- that we're going
12 to ask for 39-4 to be carried over because we have
13 responded to some comments on this rule with that
14 particular proposal being our answer, we will be asking
15 for this rule to be carried over as well today. So
16 that is another update that you might want to be aware
17 of right now.
18 So going back to some of those changes
19 that we made and the original -- the original proposal
20 from June as it is and brought to today, what we are
21 proposing is to add a new Section 27 to Subchapter 37,
22 and that will be applicable for the remainder of the
23 state outside of Tulsa County for aerospace coating
24 operations that will fall in line more closely with
25 NESHAP GG, and, as well, mirror more closely with the

Page 14

1 already implemented 39-47 for Tulsa County.
2 We are also proposing to amend Section 47
3 of 39, the current aerospace coating rule, to update
4 the reference date of NESHAP GG, remove outdated
5 material, and add language consistent with the most
6 recent version of NESHAP Subpart GG. One of the
7 changes since the June meeting is in Section 47 of 39
8 is to exempt anybody subject to 39-47 from being duly
9 regulated in 37-27 and in 37-25.
10 Finally, we are proposing to revoke
11 Appendix N, the specialty coatings table that is used
12 in 39-47, and creating a new Appendix N which will
13 correct a few typographical errors in it as well as a
14 new headline stating that the new Appendix N can be
15 used in the new section proposed of Subchapter 37.
16 You may recall that, prior to the
17 publication of the proposed rule in June, staff created
18 a work group with industry professionals from the
19 aerospace industry to work on this and give input. We
20 worked with them prior to the June proposal and we have
21 since made them aware of the re-proposal of this rule
22 change. Since the publication date for the October
23 meeting, the Department has received no comments
24 regarding this proposal. As I mentioned earlier,
25 because of our desire to reevaluate the 39-4 exemption

Page 15

1 and the comment that we received regarding the metal
2 cleaning in 42 and our response, we are recommending
3 that Council carry this rule proposal forward to a
4 subsequent meeting. Thank you.
5 MS. BOTCHLET-SMITH: Do we have any
6 questions from the council?
7 MS. LODES: So we have -- so we need to
8 hold this over just because we're not going to do the
9 exemption 39-4?
10 MR. GARBE: We believe it would be best
11 because our response to one of the comments made from
12 American Airlines was that we would be going forward
13 with 39-4 to address a concern they had about cleaning
14 operations using VOCs, and because we will no longer be
15 going forward with that proposal, we felt it best to
16 carry this forward one more time at least to find a way
17 to address those for certain.
18 MS. LODES: Other questions?
19 So I don't see in my packet a question.
20 What was the question on 39-4?
21 MS. BOTCHLET-SMITH: I don't think we've
22 come to a discussion on 39-4 because that's Item Number
23 B on the hearing.
24 MS. LODES: I know. But if it's holding
25 this one up. I guess that's why I'm curious on it. I

Page 16

1 guess I'm trying to figure out why we're holding -- I
2 mean, I guess we don't have a pressing reason to pass
3 this, do we?
4 MR. TERRILL: No.
5 MS. LODES: No? Okay.
6 Okay. Any -- not seeing any other
7 questions from the council, do we have any questions
8 from the public?
9 MS. BOTCHLET-SMITH: I had a notice that
10 we had one person from the public that wanted to
11 comment on 39, but that was for Agenda Item 5 B.
12 So I'll extend -- did you have a comment
13 on 5 A as well, or do you wish to wait and make your
14 comments on 5 B?
15 MS. LATIMER-DAVIS: Yes. Now.
16 MS. BOTCHLET-SMITH: Do you want to
17 comment now, Thelma?
18 (No audible response.)
19 MS. BOTCHLET-SMITH: Okay. So Thelma
20 Latimer-Davis from American Airlines.
21 MS. LATIMER-DAVIS: Thank you. Yes. My
22 name is Thelma Latimer-Davis from American Airlines.
23 I'd like to personally thank and professionally thank
24 the whole DEQ staff and Air Quality Council for working
25 to make this an effective and efficient rule.

Page 17

1 As American has stated and submitted
2 comments on June 14th, American is seeking to clarify
3 the language of Subchapter 100-37-25 and 39-47 in order
4 to assure its compliance with the intent of the
5 subchapters. American is asking -- requesting the
6 Department to confirm its intent as to whether the
7 exempted low volume coatings are subject to 100-37-27
8 -- 25 as a result of being exempted from 100-39-47.
9 ODEQ submitted responses and comments on September
10 11th, 2018. Response Number 1 stated the Department's
11 intent was not for coating operations exempted from
12 100-37-27 to be re-subjected to 100-37-25. However,
13 the comments did not address the re-subjecting of
14 exempted coatings under 100-39-47 to 100-37-25.
15 American requests the Department clarify
16 its intent for coating operations exempted under
17 Subchapter 39-47, and whether the same are subject to
18 or re-subjected to 100-37-25. Thank you.
19 MS. BOTCHLET-SMITH: Thank you. So are
20 there other questions from the council for Cooper?
21 (No audible response.)
22 MS. LODES: Okay. The DEQ has
23 recommended that we hold this rule over. Seeing no
24 further questions or comments, do we have a motion?
25 MR. TAYLOR: So move.

Page 18

1 MS. LODES: Yes. I need you to state the
2 motion.
3 MR. TAYLOR: Oh. We need to hold --
4 (inaudible.)
5 (Inaudible.)
6 MR. GARBE: Yes. We need to hold that
7 over.
8 MR. TAYLOR: What, to next month, or to
9 the next -- next meeting?
10 MS. LODES: Yes.
11 MR. TAYLOR: Okay. January 20th, I
12 believe? Hold it over until January 20th meeting then.
13 That's a motion.
14 MS. LODES: I have a motion. Do I have a
15 second?
16 DR. DELANO: I'll second.
17 MS. LODES: I have a motion and a second?
18 MR. TAYLOR: How about the 20th of --
19 January, 2019 -- (inaudible.)
20 (Multiple voices.)
21 MR. HAUGHT: To the next meeting.
22 MR. TAYLOR: Oh, January 16th.
23 MS. LODES: Okay.
24 MR. TAYLOR: The next meeting.
25 MS. BOTCHLET-SMITH: So do you want to

Page 19

1 amend that motion?
2 MR. TAYLOR: Yes.
3 MS. LODES: I have a -- Quiana, I have --
4 or, to state the motion clearly, I have a motion to
5 hold the rule -- proposed rule -- rules over as
6 requested to the January 16th, 2019, meeting.
7 MR. TAYLOR: That's correct.
8 MS. LODES: Okay.
9 MS. FOSTER: Laura, this is Melanie
10 Foster. We'd request that you place the motion to the
11 subsequent meeting in case we have a weather delay or
12 something.
13 MS. LODES: Okay. So we need the motion
14 to -- stated to carry it to a subsequent meeting.
15 MR. TAYLOR: Correct. I'll make that
16 motion.
17 MS. LODES: Okay.
18 MR. TAYLOR: If it snows, rains, sleet,
19 whatever.
20 MS. LODES: Yes.
21 MR. TAYLOR: To the January 16th, 2019,
22 meeting.
23 MS. LODES: So we need a --
24 MS. BOTCHLET-SMITH: So, Laura, I hate
25 to get really technical here. But since we don't have

Page 20

1 a court reporter, we have a motion on the table and a
2 second, so, technically, we need to vote on that. In
3 this case, if that date is wrong, we'd have to vote
4 that down. Or we can have a motion for an amendment.
5 We'd have to vote on the amendment and then vote on the
6 rule. Sorry. That's --
7 MS. LODES: That's what I'm trying to
8 get this clarified because I realize it's gotten
9 jumbled up.
10 MS. BOTCHLET-SMITH: So I need --
11 MR. TAYLOR: Okay.
12 (Multiple voices.)
13 MS. LODES: Okay. Let's -- gentlemen,
14 let's -- let's have a roll to vote this down and we'll
15 do a clean motion.
16 Okay. Quiana, please call roll.
17 MS. FIELDS: Mr. Clark?
18 MR. CLARK: Yes.
19 MR. COLLINS: We're voting it down.
20 MR. CLARK: We're voting this down
21 first.
22 MS. LODES: So you need to say no.
23 MR. CLARK: No.
24 MR. COLLINS: Yeah, you need to say no.
25 MS. LODES: Okay.

Page 21

1 MR. CLARK: No.
2 MS. FIELDS: Mr. Collins?
3 MR. COLLINS: No.
4 MS. FIELDS: Dr. Delano?
5 DR. DELANO: No.
6 MS. FIELDS: Mr. Elliott?
7 MR. ELLIOTT: No.
8 MS. FIELDS: Mr. Haught?
9 MR. HAUGHT: No.
10 MS. FIELDS: Mr. Taylor?
11 MR. TAYLOR: No.
12 MS. FIELDS: Ms. Lodes?
13 MS. LODES: No.
14 MS. FIELDS: Motion passed.
15 MS. LODES: Motion failed.
16 MS. FIELDS: Well, motion failed.
17 MS. LODES: Okay. The motion that's
18 presented failed so we need a -- I need a new motion
19 for what we choose to do on this rule.
20 MR. TAYLOR: We need to postpone this
21 rule until the next subsequent meeting which could be
22 January whatever, 16th --
23 MR. HAUGHT: The next meeting.
24 MR. TAYLOR: The next meeting. And --
25 MS. BOTCHLET-SMITH: We need a second.

Page 22

1 MS. LODES: I need a second.
2 MR. HAUGHT: I'll second.
3 MS. LODES: I have a motion and a
4 second.
5 Please call roll.
6 MS. FIELDS: Mr. Clark?
7 MR. CLARK: Yes.
8 MS. FIELDS: Mr. Collins?
9 MR. COLLINS: Yes.
10 MS. FIELDS: Dr. Delano?
11 DR. DELANO: Yes.
12 MS. FIELDS: Mr. Elliott?
13 MR. ELLIOTT: Yes.
14 MS. FIELDS: Mr. Haught?
15 MR. HAUGHT: Yes.
16 MS. FIELDS: Mr. Taylor?
17 MR. TAYLOR: Yes.
18 MS. FIELDS: Ms. Lodes?
19 MS. LODES: Yes.
20 MS. FIELDS: Motion passed.
21 MS. BOTCHLET-SMITH: Okay. The next
22 item on the agenda is 5 B. That's Chapter 100, Air
23 Pollution Control. QAC, 252:100-39, Emission of
24 Volatile Organic Compounds in Nonattainment Areas and
25 Former Nonattainment Areas. 252:100-39-4.

Page 23

1 And Cooper will make this presentation
2 as well.
3 MR. GARBE: Thank you. Madam Chair,
4 Members of the Council, members of the public, the
5 Department is also proposing to amend Subchapter 39
6 Section 4. This section lists the parts of Subchapter
7 39 that are not applicable to VOCs with the vapor
8 pressure less than 1.5 pounds per square inch absolute.
9 The Department is proposing to remove the reference to
10 100-48, which was originally a typo and should have
11 read 100-39-48. And because that section has since
12 been revoked, the Department is proposing to remove
13 this reference.
14 Additionally, the Department is proposing to
15 add 100-39-42 to the list of parts for which VOCs with
16 vapor pressures less than 1.5 psia are exempt from. It
17 was brought to our attention that cold cleaning and
18 degreasing with an aqueous solution containing VOCs was
19 not clearly exempted from 39-42 regulations as it had
20 been in the previous Control Technique Guideline, or
21 CTG. Because our original intent was to follow the
22 CTG, we believe this remedy to be the best method for
23 addressing any confusion of what should be regulated in
24 39-42. As I said, we believed that this was the best
25 remedy for addressing this confusion.

Page 24

1 Since then, we've had discussions at our
2 staff as to what implications adding the 39-42 cleaning
3 to the exemptions list in 39-4 might be. Originally,
4 we discussed this per comments from American Airlines
5 and a memo written from our department -- or our
6 division -- excuse me -- addressing some of their
7 concerns. Since then, we would like to reevaluate what
8 this implication might be using the 1.5 psia. We
9 believe that might be an old number. Not necessarily a
10 bad number, but based on a definition of volatile
11 organic solvents where we have since come to use
12 volatile organic compounds, and we would like to do a
13 little bit more research into this. As such, we have
14 received no comments on this rule proposal and we would
15 recommend that Council carry this rule proposal forward
16 to a subsequent meeting.
17 MS. BOTCHLET-SMITH: Do we have any
18 questions from the council?
19 (No audible response.)
20 MS. BOTCHLET-SMITH: Any comments or
21 questions from the public?
22 (No audible response.)
23 MS. BOTCHLET-SMITH: Thelma, did you
24 have any additional comments for this section of the
25 rule?

Page 25

1 (No audible response.)
2 MS. BOTCHLET-SMITH: Any comments at
3 all?
4 (No audible response.)
5 MS. BOTCHLET-SMITH: Laura?
6 MS. LODES: Seeing no comments, the DEQ
7 has requested that the council carry this rule forward
8 to a subsequent meeting. Do I have a motion?
9 MR. HAUGHT: I'll make the motion that
10 this rule be carried forward to a subsequent meeting.
11 MS. LODES: I have a motion. Do I have
12 a second?
13 MR. ELLIOTT: I second.
14 MS. LODES: I have a motion and a
15 second.
16 Please call roll.
17 MS. FIELDS: Mr. Clark?
18 MR. CLARK: Yes.
19 MS. FIELDS: Mr. Collins?
20 MR. COLLINS: Yes.
21 MS. FIELDS: Dr. Delano?
22 DR. DELANO: Yes.
23 MS. FIELDS: Mr. Elliott?
24 MR. ELLIOTT: Yes.
25 MS. FIELDS: Mr. Haught?

Page 26

1 MR. HAUGHT: Yes.
 2 MS. FIELDS: Mr. Taylor?
 3 MR. TAYLOR: Yes.
 4 MS. FIELDS: Ms. Lodes?
 5 MS. LODES: Yes.
 6 MS. FIELDS: Motion passed.
 7 MS. BOTCHLET-SMITH: The next item on
 8 the agenda is 5 C. OAC, 252:100-39, Emission of
 9 Volatile Organic Compounds in Nonattainment Areas and
 10 Former Nonattainment Areas. 252:100-39-40, Cutback
 11 asphalt paving, amended.
 12 Mr. Cooper Garbe will continue with his
 13 presentation.
 14 MR. GARBE: Thank you.
 15 Madam Chair, Members of Council, members
 16 of the public, as a continuation of our cleanup in
 17 Subchapter 39, the Department is proposing to update
 18 Section 40 which limits the use of cutback liquefied
 19 asphalt to the non-ozone season in nonattainment and
 20 former nonattainment areas. We are proposing to update
 21 the calendar reference to Oklahoma's non-ozone season,
 22 which is now December 1 through the last day of
 23 February, to reflect Oklahoma's currently designated
 24 ozone season. We have received no comments on this
 25 rule proposal. The Department requests the council

Page 27

1 recommend this proposal to be adopted as a permanent
 2 rule change.
 3 MS. BOTCHLET-SMITH: Any questions from
 4 the council?
 5 (No audible response.)
 6 MS. BOTCHLET-SMITH: Moncelle?
 7 Montelle, did you have a question?
 8 MR. CLARK: Yes, I do. Sorry. I'm
 9 switching. This prior written consent from the
 10 division director element, I'm not that familiar with
 11 this. Can you -- how often is this consent granted and
 12 under what conditions?
 13 MR. TERRILL: I doubt if Cooper -- this
 14 is Eddie. I doubt if Cooper has been around since
 15 we've done it. It's been so long since we've done
 16 that. I would imagine it's been probably 15 or 20
 17 years since I did that. It was generally back before
 18 when this was used a lot and they -- they weren't able
 19 to schedule it. And so it's -- it's a holdover
 20 actually, but it's something that could happen, and it
 21 would depend on the circumstances and the need for
 22 doing it, an emergency situation, that sort of thing.
 23 But we've worked -- we've reached out to ODOT and some
 24 of the others that use the cutback asphalt to see if
 25 this would be an issue with them, and we don't believe

Page 28

1 it is so -- it's been so long since I can even remember
 2 the circumstances behind it, but it's not been used in
 3 a long time. But it needs to be in there in case
 4 there's some sort of emergency situation where they
 5 need to use it during the ozone season.
 6 MR. CLARK: So is there a reason -- so
 7 most of the time they're using emulsifier rather than
 8 cutback; is that correct?
 9 MR. TERRILL: I'm guessing that's
 10 probably right. Yes.
 11 MR. GARBE: Yes, I believe so.
 12 MR. CLARK: Is there a reason they
 13 couldn't use emulsifier, you say in, like, an
 14 emergency? Is this just an expense issue, or is it, in
 15 cold weather, emulsifier doesn't work, or --
 16 MR. GARBE: That, I'm not sure why they
 17 can't use emulsifier at certain times. I believe there
 18 are some other properties to it that limits them, but
 19 that is something somebody with technical expertise on
 20 cutback asphalt might want to answer.
 21 MR. CLARK: Okay. Thanks. I was just
 22 trying to get a sense of how often cutback is actually
 23 used and is there a reason that you couldn't use
 24 emulsifier in all applications.
 25 MS. LODES: So this rule limits it where

Page 29

1 they can only use it from December to February.
 2 MR. CLARK: Right. And I was trying to
 3 understand why they wouldn't use it. Is it less
 4 expensive, is it -- does it have certain properties
 5 that work better in cold weather? That's what I was
 6 asking.
 7 MS. LODES: It's going to have certain
 8 properties that are going to work better in cold
 9 weather, but you've got -- because of the way it spins
 10 and such, it's -- in the colder weather, it's going to
 11 be -- you have issues with freezing.
 12 MR. CLARK: Emulsifier doesn't work as
 13 well in really cold weather? Is that --
 14 MS. LODES: That would be my
 15 understanding.
 16 MR. CLARK: Okay.
 17 MR. COLLINS: I guess my question, and,
 18 Laura, maybe you answered it. Just to confirm the
 19 dates to make sure that I'm -- I'm straight on what
 20 we're proposing as a rule change, the date would
 21 restrict cutback during any of the ozone season which
 22 excludes December 1 through the end of February?
 23 MR. GARBE: That is correct. Our
 24 non-ozone season is now December 1 through the last day
 25 of February.

Page 30

1 MR. COLLINS: Okay. Thank you.
 2 MR. GARBE: You're welcome.
 3 MR. ELLIOTT: The cutback has got
 4 lighter material used in it and it is -- like a mix of
 5 other things. It's cheaper is what it is.
 6 MS. BOTCHLET-SMITH: Do we have any
 7 questions or comments from the public on this
 8 particular rule?
 9 (No audible response.)
 10 MS. BOTCHLET-SMITH: Seeing none, any
 11 other questions from the council before a motion?
 12 MR. HAUGHT: I'll move that the council
 13 accept the DEQ's proposed amendments to 252:100-39-40
 14 to modify the dates to the non-ozone season.
 15 MS. BOTCHLET-SMITH: 41.
 16 MR. HAUGHT: 41?
 17 MS. BOTCHLET-SMITH: Oh, I'm sorry. No,
 18 it's 40. You have it correct.
 19 MR. HAUGHT: I thought it was 40.
 20 MS. LODES: I have a motion. Do I have
 21 a second?
 22 MR. TAYLOR: I'll second that.
 23 MS. LODES: I have a motion and a
 24 second.
 25 Please call roll.

Page 31

1 MS. FIELDS: Mr. Clark?
 2 MR. CLARK: Yes.
 3 MS. FIELDS: Mr. Collins?
 4 MR. COLLINS: Yes.
 5 MS. FIELDS: Dr. Delano?
 6 DR. DELANO: Yes.
 7 MS. FIELDS: Mr. Elliott?
 8 MR. ELLIOTT: Yes.
 9 MS. FIELDS: Mr. Haught?
 10 MR. HAUGHT: Yes.
 11 MS. FIELDS: Mr. Taylor?
 12 MR. TAYLOR: Yes.
 13 MS. FIELDS: Ms. Lodes?
 14 MS. LODES: Yes.
 15 MS. FIELDS: Motion passed.
 16 MS. BOTCHLET-SMITH: The next item on
 17 the agenda is 5 D. Chapter 100, Air Pollution Control.
 18 OAC, 252:100-39, Emission of Volatile Organic Compounds
 19 in Nonattainment Areas and Former Nonattainment Areas.
 20 This is 252:100-39-41, Storage, loading and
 21 transport/delivery of VOCs.
 22 And Cooper Garbe will continue his
 23 presentation.
 24 MR. GARBE: Thank you.
 25 Madam Chair, Members of Council, members

Page 32

1 of the public, today the Department is also proposing
 2 amendments to Subchapter 39 Section 41 for storage,
 3 loading and transport/delivery of VOCs. Because we
 4 have made revisions to the proposal since the
 5 publication of the notice, we've included the latest
 6 facts in your packet and a stack of copies on our
 7 sign-in table. The first change you'll see in this
 8 document, which is one of the three updates made since
 9 publication, is on Page 2, a typo correction in (c)(5).
 10 Continuing on, the next update you'll
 11 find, also on Page 2 is in (d)(3), a change in the
 12 reference to guidelines on vapor tightness, testing for
 13 delivery tank trucks. Currently, the rule states that
 14 testing for vapor tightness must be consistent with
 15 Appendix B of the EPA document, "Control of Volatile
 16 Organic Compound Leaks from Gasoline Tank Trucks and
 17 Vapor Collection Systems," which is a Control Technique
 18 Guideline, or CTG, from 1978, that has not since been
 19 updated. The proposed update would reference a portion
 20 of this rule that you can find on Page 4(e)(4)(B)(ii)
 21 which references EPA Test Method 27 as the applicable
 22 procedure for this testing requirement.
 23 In continuation of cleaning up
 24 Subchapter 39, the next proposal found on Page 3 in
 25 (e)(2)(B) and (E) are the removals of old effective

Page 33

1 dates that are no longer necessary.
 2 The next proposed amendment can be seen
 3 further down on Page 3 in (e)(3), which is part of the
 4 rule only applicable in Tulsa County. We are proposing
 5 to add the use of an alternative work practice,
 6 typically optical gas imaging using equipment such as a
 7 FLIR camera for monitoring equipment leaks as an
 8 alternative to the use of EPA Test Method 21. The
 9 proposal would require that the alternative work
 10 practice be consistent with 40 CFR 60.18(g) through
 11 60.18(i) where EPA specifies the proper use of OGI,
 12 optical gas imaging. The highlighted portion is the
 13 second of three revisions since publication on our
 14 website and was made to clarify the detection methods
 15 necessary for this portion.
 16 On Page 4, our proposed changes in
 17 (e)(4)(A)(iv), the first change is updating the
 18 reference to the portion of the rule that specifies the
 19 proper testing to be performed which changed as a
 20 result of reorganizing the end of the section.
 21 Additionally, we propose to strike the
 22 requirement that delivery vessel display a rear panel
 23 tag to verify pressure testing. As we're living in a
 24 digital age, so, too, is the tank truck loading
 25 facility industry. Not only does the DEQ issue tag and

Page 34

1 overlapping requirement with some DOT rules, the
2 facility now utilizes a digital system of keeping track
3 of pressure tests for each individual truck where, if
4 there's any discrepancy, the truck will not be allowed
5 to fill up. The tag requirement has also been removed
6 from (e) (4) (A) (v).

7 (E) (4) (A) (vi) just below was moved to an
8 amendment -- amended as (e) (4) (B) (i). The proposed
9 amendments to this paragraph include specifying the use
10 of imaging instrumentation, such as FLIR cameras,
11 qualify as visual inspection, and changing the repair
12 timing to five days to be consistent with the
13 requirement in (e) (4) (A) (iii) above. The highlighted
14 portion, with or without imaging instrumentation, is
15 the third revision we've made since the publication and
16 was done so to clarify how inspections may be carried
17 out.

18 The remaining proposed changes to this
19 section in (e) (4) (B) (ii) and (iii) updates -- are
20 updates to the references for tank truck testing. Once
21 again, the 1978 CTG is referenced, and we are proposing
22 to update those references to the applicable EPA Test
23 Methods 21 and 27 for vapor and pressure tests
24 respectively.

25 Finally, while proposing update for the

Page 35

1 use of EPA Test Method 27, we are proposing to update
2 the measurement parameters that need to be met for
3 passing a pressure test to be consistent with the use
4 of Method 27. To date, we have received no comments on
5 this proposal. Today, the Department would like to
6 request that Council recommend this proposal to the
7 Environmental Quality Board for adoption as a permanent
8 rule change. Thank you.

9 MS. BOTCHLET-SMITH: Do we have any
10 questions from the council?

11 MR. ELLIOTT: I assume, under 39-41(a),
12 it talks about the vessel capacity greater than 40,000
13 which stores gasoline or any VOC, I'm assuming that
14 that's light VOC; right? The 1.5? Talking about the
15 control requirements.

16 MR. GARBE: The capacity of 8,000?
17 MR. ELLIOTT: Well, it says stores
18 gasoline or any VOC. Any VOC.

19 MS. LODES: That's a --
20 MR. ELLIOTT: I'm assuming there's a
21 definition that limits control requirements to light
22 VOC.

23 MR. GARBE: Let me find definitions.
24 MS. LODES: Looking in definitions, it
25 does not appear there's a definition of VOC. Oh,

Page 36

1 exemption. VOCs with vapor pressures less than one and
2 a half pounds per square inch under actual conditions
3 are exempt from 39-16, 39-18, 39-30, 39-41, and what
4 should say 39-48.

5 MR. ELLIOTT: Okay. That's -- I just
6 wanted to make sure.

7 MS. LODES: That's the one exemption
8 that we did not update a moment before.

9 MR. ELLIOTT: Okay.

10 MR. GARBE: Correct. That was it.

11 MS. LODES: Yeah.

12 MR. ELLIOTT: Thank you.

13 MS. BOTCHLET-SMITH: Any other questions
14 from the council?

15 (No audible response.)

16 MS. BOTCHLET-SMITH: Questions or
17 comments from the public?

18 (No audible response.)

19 MS. BOTCHLET-SMITH: Seeing none --
20 Montelle, did you have a question?

21 MR. CLARK: Just one minor question.
22 We've added under 4(b), you've added a 5(a), repair
23 requirement. Correct?

24 MR. GARBE: We've amended it.
25 MR. CLARK: Amended it to --

Page 37

1 MR. GARBE: To five days.
2 MR. CLARK: Yeah.
3 MR. GARBE: Yes.
4 MR. CLARK: And, under 3, the 15-day
5 repair requirement, is -- is there -- I'm just curious
6 as to why there's a difference in the length of time
7 for repairs on one versus the other.

8 MR. GARBE: I believe those requirements
9 are regulating different entities of the -- of the
10 process. Where at in A are you looking at again?

11 MR. CLARK: In 3 -- Section 3, loading
12 of VOCs. Leaks greater than 5,000 should be repaired
13 within 15 days. I don't know if it's material or not,
14 but I just wondered why there's a difference of 15 days
15 allowed there versus five days allowed in the new
16 sections.

17 MR. GARBE: You're in 39-41?
18 MR. CLARK: 39-41 Part 3.
19 MR. GARBE: A, B, or C? Excuse me.
20 MR. CLARK: It's just Section 3, loading
21 of VOCs.

22 MS. LODES: The very bottom of Page 3.
23 MR. CLARK: The very bottom of Page 3.
24 MR. GARBE: Okay. Thank you.
25 MS. LODES: The part you have

Page 38

1 highlighted in yellow.
2 MR. GARBE: Thank you.
3 MR. CLARK: It says, shall be repaired
4 within 15 days.
5 MR. GARBE: Those are for stationary
6 loading facilities.
7 (Multiple voices.)
8 MR. GARBE: That requirement's for
9 stationary loading facilities, whereas, the five days
10 are for the tank trucks, the vessels themselves.
11 MR. CLARK: Right. I -- I -- I realize
12 that. I was just curious if there was a difference why
13 more time allowed on stationary versus the trucks.
14 MR. GARBE: As far as I know, the --
15 repairing a stationary loading facility is a little bit
16 more difficult and tedious, so I think there was a
17 little bit more time allotted for doing it since it's a
18 little bit of a bigger facility. It's a bigger entity
19 to get into and repair things.
20 MS. LODES: The 15 days is in accordance
21 with -- correct me if I'm wrong, Melanie -- VVa? Is
22 that the LDAR repair schedule?
23 MS. FOSTER: The normal 15 days.
24 MS. LODES: The 15 days which would be
25 for the stationary source. I believe the five days, if

Page 39

1 that's the vehicle, that would be under DOT
2 regulations; correct?
3 MS. FOSTER: I don't know that that's
4 where it originated from.
5 MS. LODES: Okay. But I know if we're
6 under -- if we're looking at whether it's VVa, NSPS VVa
7 -- NSPS VVa, any of those leak detections, that's the
8 normal 15 days that's codified on the federal side for
9 that. I'm right. Greg, you've got a lot of LDAR
10 stuff.
11 MR. ELLIOTT: Yes.
12 MS. LODES: You guys -- if I say I'm
13 right, I'm like --
14 MR. ELLIOTT: Yes.
15 MS. LODES: Okay.
16 MR. CLARK: Okay. Thank you.
17 MS. LODES: And this would be GGA, or GG
18 -- or triple G; right, Greg?
19 MR. ELLIOTT: Uh-huh.
20 MS. LODES: Okay.
21 MR. ELLIOTT: For the -- (inaudible.)
22 MS. LODES: For the loading operation.
23 MR. ELLIOTT: For the loading.
24 MS. LODES: So that would be the reason
25 for the 15 days. So five days on the mobile source,

Page 40

1 I'm going to guess that's a DOT piece.
2 MR. ELLIOTT: It may be. There's a lot
3 less volume to -- I mean, it's emptied much quicker --
4 MS. LODES: Correct.
5 MR. ELLIOTT: -- than the facilities.
6 You have a larger volume to take care of to be able to
7 repair a leak. You'll have to transfer it out and --
8 it makes sense to me.
9 MS. BOTCHLET-SMITH: Any further
10 questions?
11 (Inaudible.)
12 MS. LODES: Okay. We -- if there's no
13 further questions from the council or the public, the
14 agency has recommended that we move this rule forward
15 for approval. Do I have a motion?
16 MR. HAUGHT: I move that the council
17 accept the proposed changes to 252:100-39-41.
18 MS. LODES: I have a motion. Do I have
19 a second?
20 MR. COLLINS: I'll second.
21 MS. LODES: I have a motion and a
22 second.
23 Please call roll.
24 MS. FIELDS: Mr. Clark?
25 MR. CLARK: Yes.

Page 41

1 MS. FIELDS: Mr. Collins?
2 MR. COLLINS: Yes.
3 MS. FIELDS: Dr. Delano?
4 DR. DELANO: Yes.
5 MS. FIELDS: Mr. Elliott?
6 MR. ELLIOTT: Yes.
7 MS. FIELDS: Mr. Haught?
8 MR. HAUGHT: Yes.
9 MS. FIELDS: Mr. Taylor?
10 MR. TAYLOR: Yes.
11 MS. FIELDS: Ms. Lodes?
12 MS. LODES: Yes.
13 MS. FIELDS: Motion passed.
14 MS. BOTCHLET-SMITH: The next item on
15 the agenda is 5 E. Chapter 100, Air Pollution Control.
16 QAC, 252:100-2, Incorporation by Reference, amended.
17 And Appendix Q, Incorporation by Reference, both
18 revoked and new.
19 And the presentation for -- on this
20 particular rule is by Ms. Nancy O'Brien of our staff.
21 MS. O'BRIEN: Good morning, Madam Chair,
22 Members of the Council, ladies and gentlemen. I'm
23 Nancy O'Brien, Environmental Programs Specialist with
24 the Air Quality Division. The Department is proposing
25 to update language in Subchapter 2, Incorporation by

Page 42

1 Reference, to reflect the new date of the incorporation
2 for Appendix Q.
3 In addition, the Department is proposing
4 to revoke the current Chapter 100 Appendix Q,
5 Incorporation by Reference, and adopt a new Appendix Q.
6 This proposal is part of the annual update of Title 40
7 Code of Federal Regulations, Incorporations by
8 Reference in Chapter 100. The Oklahoma rules on
9 rulemaking dictate the procedure for amending a rule
10 appendix by revoking the old and creating an entirely
11 new appendix. The proposed changes to Appendix Q
12 reflect federal regulations, mostly New Source
13 Performance Standards, or NSPS, and National Emissions
14 Standards for Hazardous Air Pollutants, or NESHAPs,
15 which have been implemented as of June 30th, 2018.
16 The update would incorporate any
17 amendments to standards currently listed in Appendix Q.
18 A list of all changes to standards that have been made
19 since July 1, 2017, was provided in your packet that
20 you got ahead of time. The list is also included as
21 the last page of the handout for Subchapter 2 and
22 Appendix Q. No new standards have been added this
23 year. Notice was published in the Oklahoma Register on
24 September 4th, 2018, for these proposed changes. The
25 notice requested written comments from the public and

Page 43

1 other interested parties. No comments have been
2 received as of today.
3 The staff requests the Council recommend
4 this rulemaking to the Environmental Quality Board for
5 permanent adoption. Thank you.
6 MS. BOTCHLET-SMITH: Do we have any
7 questions from the council?
8 (No audible response.)
9 MS. BOTCHLET-SMITH: Any questions or
10 comments from the public?
11 (No audible response.)
12 MS. BOTCHLET-SMITH: Seeing none.
13 MS. LODES: The staff has recommended
14 this proposed rulemaking for approval. Do I have a
15 motion?
16 MR. HAUGHT: I'll move that the council
17 approve the recommended changes to update the Appendix
18 Q.
19 MS. LODES: Do I have a second?
20 MR. ELLIOTT: I second.
21 MS. LODES: I have a motion and a
22 second.
23 Please call roll.
24 MS. FIELDS: Mr. Clark?
25 MR. CLARK: Yes.

Page 44

1 MS. FIELDS: Mr. Collins?
2 MR. COLLINS: Yes.
3 MS. FIELDS: Dr. Delano?
4 DR. DELANO: Yes.
5 MS. FIELDS: Mr. Elliott?
6 MR. ELLIOTT: Yes.
7 MS. FIELDS: Mr. Haught?
8 MR. HAUGHT: Yes.
9 MS. FIELDS: Mr. Taylor?
10 MR. TAYLOR: Yes.
11 MS. FIELDS: Ms. Lodes?
12 MS. LODES: Yes.
13 MS. FIELDS: Motion passed.
14 MS. BOTCHLET-SMITH: And that concludes
15 the hearing portion of today's meeting.
16 MS. LODES: The next item on today's
17 agenda is Item 6, and it's the presentation by the DEQ
18 regarding the 2018 ozone season review and looking
19 ahead.
20 MS. FOSTER: Sorry, Laura. Can I
21 interrupt you? I apologize.
22 We want to make sure that motion was to
23 both approve Subchapter 2 -- I mean, Appendix Q and
24 Subchapter 2. We're afraid that the motion may have
25 only updated Appendix Q.

Page 45

1 MR. HAUGHT: (Inaudible) -- the motion
2 was -- (inaudible.)
3 MS. LODES: I thought it was just to do
4 the rulemaking as proposed. Do we -- do you want
5 another -- will it be clearer if we do another motion?
6 MS. FOSTER: Yes.
7 MS. LODES: Okay. On that note --
8 MS. BOTCHLET-SMITH: You've already
9 approved Appendix Q. We've already concluded the
10 hearing. So he would need to --
11 MS. LODES: I need a motion to reopen
12 the hearing portion of this meeting.
13 MR. TAYLOR: I make that motion to
14 reopen the hearing.
15 MS. LODES: Need a second.
16 DR. DELANO: I'll second.
17 MS. LODES: I need you to call roll.
18 MS. FIELDS: Mr. Clark?
19 MR. CLARK: Are we voting right now to
20 reopen it?
21 MS. LODES: Yes.
22 UNIDENTIFIED MALE SPEAKER: Yes.
23 MR. CLARK: Yes.
24 MS. FIELDS: Mr. Collins?
25 MR. COLLINS: Yes.

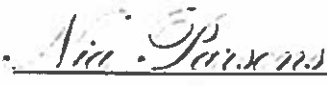
Page 46

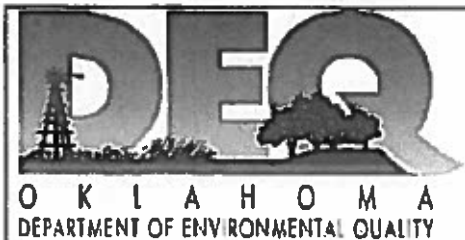
1 MS. FIELDS: Dr. Delano?
 2 DR. DELANO: Yes.
 3 MS. FIELDS: Mr. Elliott?
 4 MR. ELLIOTT: Yes.
 5 MS. FIELDS: Mr. Haught?
 6 MR. HAUGHT: Yes.
 7 MS. FIELDS: Mr. Taylor?
 8 MR. TAYLOR: Yes.
 9 MS. FIELDS: Ms. Lodes?
 10 MS. LODES: Yes.
 11 MS. FIELDS: Motion passed.
 12 MS. LODES: So the --
 13 MS. BOTCHLET-SMITH: We have a motion
 14 that approved Appendix Q. You just need the motion for
 15 2.
 16 MR. HAUGHT: Those changes to Subchapter
 17 2.
 18 MS. LODES: Correct. So we believe that
 19 we have -- that the prior motion made only approved
 20 Appendix Q. We need one to approve the package.
 21 MR. HAUGHT: I will move that the
 22 council approve the proposed changes to Chapter 2 --
 23 Subchapter 2.
 24 MS. BOTCHLET-SMITH: Subchapter 2.
 25 MR. HAUGHT: Subchapter 2 as proposed by

Page 47

1 staff.
 2 MR. TAYLOR: Second.
 3 MS. LODES: I have a motion and a
 4 second.
 5 Please call roll.
 6 MS. FIELDS: Mr. Clark?
 7 MR. CLARK: Yes.
 8 MS. FIELDS: Mr. Collins?
 9 MR. COLLINS: Yes.
 10 MS. FIELDS: Dr. Delano?
 11 DR. DELANO: Yes.
 12 MS. FIELDS: Mr. Elliott?
 13 MR. ELLIOTT: Yes.
 14 MS. FIELDS: Mr. Haught?
 15 MR. HAUGHT: Yes.
 16 MS. FIELDS: Mr. Taylor?
 17 MR. TAYLOR: Yes.
 18 MS. FIELDS: Ms. Lodes?
 19 MS. LODES: Yes.
 20 MS. FIELDS: Motion passed.
 21 MS. BOTCHLET-SMITH: That concludes the
 22 hearing of today's meeting.
 23
 24 (Hearing concluded.)
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Page 48

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 9 C E R T I F I C A T E
 10
 11 I, Nia J. Parsons, RPR, Certified
 12 Shorthand Reporter duly licensed and qualified in and
 13 for the State of Oklahoma, DO HEREBY CERTIFY that the
 14 recording was transcribed to the best of my ability
 15 under the limiting condition of the audio; that I am
 16 not an attorney for nor a relative of any said parties
 17 or otherwise interested in the outcome of said action.
 18 IN WITNESS WHEREOF, I have hereto set
 19 my hand and official seal this 15th day of October,
 20 2018.
 21
 22 
 23
 24 Nia J. Parsons, RPR
 25 CSR # 1060
 My certificate expires 12-31-18



AIR QUALITY COUNCIL
Attendance Record
October 10, 2018
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

- MELANIE FOSTER AQD
- Jim Haught AQC
- Jeff Taylor AQC
- MARK Barton PSD
- Bad Ground EFO
- Gary Cowins AQC CF INDUSTRIES 6606 E 140 RD
CUMMINGS, OK 74011
- Cheryl Bradley AQD
- Jonathan Truony AQD
- Edie Terrell AQD
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- Jeremy Jewell Trinity Consultants jjewell@trinityconsultants.com
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- Cooper Garbe ODEQ AQD
- Diana Scholtz DEQ
- Tad Afford DEQ
- Brooks Kirlin "
- Curt Goeller DEQ
- Grant Loney DEQ
- Michelle Mack AQC
- Phil Filler AQD

