

Oklahoma Administrative Code. Title 252. Department of Environmental Quality

Chapter 100. Air Pollution Control

Appendices

OAC 252-100 APPENDIX H. DE MINIMIS FACILITIES, SIP effective June 14, 2017 (OKd21).
As adopted in the Oklahoma Register June 15, 1998 (15 OkReg 2590) state effective June 25, 1998,
Submitted to EPA February 14, 2002 (OK-25),
Regulations.gov document EPA-R06-OAR-2007-0989-0015 [OK007.15],
pages 39 to 44 [text of adopted Appendix H] and
pages 51 to 52 [Permanent final adoption published in Oklahoma Register].
Approved by EPA May 15, 2017 (82 FR 22281), SIP effective June 14, 2017 (OKd21),
Regulations.gov document EPA-R06-OAR-2007-0989-0020 [OK007.20].

Explanation: NOT in SIP: “and/or toxic.”

Appendix H is cited in Subchapter 7

File name:

OAC 252-100 Appendix H DE MINIMIS FACILITIES SIP effective June 14 2017 OKd21

Permanent Final Adoptions

majority is required for approval or that the margin between the votes for the issue and the number required for approval when more than a majority is required for approval is narrow enough to allow a recount. See 230:45-3-33. If the margin is narrow enough to allow a recount, the County Election Board shall not certify the results of the question election until after the close of the contest period at 5 p.m. on the Friday following the election. [26:8-109] If the margin is not close enough to allow a recount, the County Election Board may certify the results of the question on election night as outlined in 230:35-3-91.

SUBCHAPTER 7. FRAUD AND IRREGULARITIES

230:45-7-2.1. Allegations of fraud or irregularities involving two or more counties

(a) Petitions filed with State Election Board. When a petition alleging fraud or irregularities in two or more counties in an election for a state, legislative, or Congressional office is filed with the Secretary of the State Election Board, the Secretary shall notify the Supreme Court. The Supreme Court shall assign a single judge to hear the petition and to determine the issue for all the counties affected by the petition. [26:8-111.1]

(b) Petitions filed with County Election Board. When a petition alleging fraud or irregularities in two or more counties in an election for a multi-county school district or municipality is filed with the Secretary of the parent County Election Board, the Secretary shall schedule the hearings for all the counties affected by the petition. [26:8-121.1] See 230:45-7-1(b) and 230:45-7-2(b).

[OAR Docket #98-940; filed 5-11-98]

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

[OAR Docket #98-1049]

RULEMAKING ACTION:

PERMANENT final adoption.

RULES:

252:100-5. Registration of Air Contaminant Sources Emission Inventory and Annual Operating Fees [AMENDED]

252:100-7. Construction Permits for Major and Minor Sources; Operating and Relocation Permits for Minor Sources Facilities [AMENDED]

252:100-8. Operating Permits (Part 70) for Part 70 Sources [AMENDED]

Appendix H [NEW]

Appendix I [NEW]

Appendix J [NEW]

AUTHORITY:

Environmental Quality Board; 27A O.S. Supp. 1994, §§ 2-2-101, 2-5-101, *et seq.*

DATES:

Comment period:

For Subchapter 5, July 15, 1997, through August 13, 1997; September 15, 1997, through October 15, 1997; November 17, 1997, through December 16, 1997; January 27, 1998; and March 20, 1998.

For Subchapter 7, July 15, 1997, through August 13, 1997; September 15, 1997, through October 15, 1997; January 27, 1998; and March 20, 1998.

For Subchapter 8, September 15, 1997 through October 15, 1997; November 17, 1997 through December 16, 1997; January 27, 1998; and March 20, 1998.

Public hearing:

For Subchapter 5, August 19, 1997, October 21, 1997 and December 16, 1997.

For Subchapter 7, August 19, 1997 and October 21, 1997.

For Subchapter 8, October 21, 1997, December 16, 1997 and January 9, 1998.

Adoption:

March 20, 1998.

Submitted to Governor:

March 26, 1998.

Submitted to House:

March 26, 1998.

Submitted to Senate:

March 26, 1998.

Gubernatorial approval:

May 8, 1998.

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 21, 1998.

Final adoption:

May 21, 1998.

Effective:

June 25, 1998.

SUPERSEDED EMERGENCY ACTIONS:

None.

INCORPORATIONS BY REFERENCE:

None for Subchapters 5 and 7. For Subchapter 8:

Incorporated standards:

40 CFR §§ 63.41, 63.43, 63.44; 40 CFR Part 72.

Incorporating rule:

252:100-8-4(a)(2)(C); 252:100-8-6.3(h).

Availability:

The standards are available to the public for examination at the Department of Environmental Quality office at 707 N. Robinson, 4th Floor, Oklahoma City, Oklahoma.

ANALYSIS:

The changes to Subchapter 5 simplify and clarify the rule. Requirements to file an emission inventory moved from Subchapter 7 to Subchapter 5 and were revised. Also, requirements to pay annual operating fees moved from Subchapters 7 and 8 to Subchapter 5. The annual operating fees for minor facilities and non-part 70 sources were revised.

The changes to Subchapter 7 simplify and clarify the rule. Also, a new permit classification system is incorporated into the subchapter according to the environmental impact, emission levels, and source categories here in Oklahoma. Other changes include removing any requirements for Part 70 and major sources (which will be moved to Subchapter 8); defining and exempting "de

minimis" facilities from the requirements of Subchapter 7; revising minor permit application fees; and introducing two new types of construction and operating permits, permit by rule and general permit.

The changes in Subchapter 8 incorporate a new permit classification system, move the requirement to pay annual operating fees from Subchapter 8 to Subchapter 5, move the requirements for construction permits for Title V sources from Subchapter 7 to Subchapter 8, make corrections to meet the federal requirements for final approval of the Oklahoma Operating Permit Program under Title V of the Federal Clean Air Act and 40 CFR Part 70, adopt by reference the federal rules governing case-by-case MACT determinations found in 40 CFR §§63.41, 63.43 and 63.44 as they exist on July 1, 1997, and update the adoption of 40 CFR 72 by adopting the provisions published in the Federal Register on October 24, 1997.

The Air Quality Advisory Council recommended these amendments for adoption at their meeting on January 9, 1998.

SUMMARY OF DIFFERENCES FROM ANALOGOUS FEDERAL RULES:

None.

CONTACT PERSON:

For Subchapters 5 and 7: Jeanette Buttram, Department of Environmental Quality, Air Quality Division, 707 N. Robinson, 4th floor, Oklahoma City, Oklahoma 73102. (405) 702-4100.

For Subchapter 8: Joyce D. Sheedy, Ph.D., Department of Environmental Quality, Air Quality Division, 707 N. Robinson, 4th floor, Oklahoma City, Oklahoma 73102. (405) 702-4100.

DUE TO THE EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT DEPARTMENT OF ENVIRONMENTAL QUALITY, 707 N. ROBINSON, FOURTH FLOOR, OKLAHOMA CITY, OKLAHOMA 73102 AND AT THE OFFICE OF ADMINISTRATIVE RULES, SECRETARY OF STATE, WILL ROGERS BUILDING, 2ND FLOOR NORTH, OKLAHOMA CITY, OKLAHOMA 73105. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., § 255(B):

Subchapters 5, 7, and 8 of the Air Pollution Control rules have been simplified and clarified. To assist in this effort, certain rules were moved from one subchapter to another. For example, requirements to file emission inventory reports were moved from Subchapter 7 to Subchapter 5. The annual operating fees, which are calculated based on the emission inventory reports, were moved from Subchapters 7 and 8 to Subchapter 5. The construction permit requirements and application fee rules for Part 70 sources have been moved from Subchapter 7 to Subchapter 8.

Other revisions to Subchapter 5 involve changing the fees for non-Part 70 sources from a stepped schedule to a flat rate of \$10.00 per ton.

Subchapter 7 was also amended to incorporate the Department's permit continuum. The continuum provides for 1) *de minimis* facilities, which emit less than five tons per year of any regulated pollutant and which are not required to obtain a permit; 2) permit-by-rule facilities, which emit less than 40 tons per year of any regulated pollutant and which belong to an industry group for which a rule has been promulgated; 3) general permit facilities, which emit 40 tons per year or more of any regulated pollutant and which belong to an industry group for which a general permit has been issued; and 4) individual permit facilities, which are not eligible for any of the

previous permit categories and must, therefore, apply for individual permits. In addition, the permit application fees were revised to reflect the new permit categories. The purpose of revising the fees was not to increase them, but to reapportion them according to the new permit categories.

The construction permit rules now in Subchapter 8 contain one new requirement: Federal regulations (40 CFR §§ 63.41, 63.43 and 63.44) concerning case-by-case determinations of maximum achievable control technology ("MACT") standards were incorporated by reference. In promulgating these rules, the State has adopted a program to implement section 112(g) of the Federal Clean Air Act with respect to construction or reconstruction of major sources of hazardous air pollutants. The permit fee rules in Subchapter 8 establish a new fee of \$900.00 for authorizations under general permits. Other new additions to the Part 70 permit rules include definitions for "insignificant activities" and "trivial activities" and additional rules for general permits. The latter rules explain how authorizations are obtained, revised, and renewed. Subchapter 8 rules were also revised to make changes required by the U. S. Environmental Protection Agency in order for Oklahoma to obtain final approval of its Part 70 operating permit program.

The full text of the rule may be obtained from Department of Environmental Quality, Air Quality Division, 707 N. Robinson, 4th Floor, Oklahoma City, Oklahoma 73102.

[OAR Docket #98-1049; filed 5-22-98]

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

[OAR Docket #98-1047]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

252:100-17-1 [AMENDED]
252:100-17-1.1 and 252:100-17-1.2 [NEW]
252:100-17-2 [AMENDED]
252:100-17-2.1 and 252:100-17-2.2 [NEW]
252:100-17-3 through 252:100-17-5 [AMENDED]
252:100-17-6 [REVOKED]¹
252:100-17-7 [NEW]
252:100-17-14 [NEW]
252:100-17-14.1 [NEW]
252:100-17-15 through 252:100-17-21 [NEW]
Appendix A [REVOKED AND REENACTED]
Appendix B [REVOKED AND REENACTED]
Appendix K [NEW]

AUTHORITY:

Environmental Quality Board; 27A O.S. Supp. 1994, §§ 2-2-101, 2-5-101, *et seq.*

DATES:

Comment period:

September 16, 1996, through October 8, 1996
January 16, 1997, through February 12, 1997
November 17, 1997, through December 16, 1997
January 27, 1998
March 20, 1998

APPENDIX H. DE MINIMIS FACILITIES [NEW]

This appendix is not to be used for purposes of Part 70 permitting as contained in Subchapter 8.

AGRICULTURAL

- Lawn care
- Weed control
- Pest control
- Farming operations, except open burning (see 252:100-13) and volatile organic compound ("VOC") storage (see Storage)
- Nursery/greenhouse operations
- Portable fertilizer plants with a maximum capacity of 1 ton/hour

WOODWORKING

- Portable wood chipping operations
- Woodworking (shaping, staining & varnishing) utilized for hobby purposes or maintenance of grounds or buildings

OFFICE & JANITORIAL

- Janitorial services
- Sweeping of floors (including the use of spill clean-up products such as Floor Sweep?)
- Business offices (photocopying, blueprint copying, photographic processes, etc.)
- Cleaning, polishing, and housekeeping activities associated with custodial duties
- Retail copying services

CLEANING & SURFACE PREPARATION

- Cold degreasing operations utilizing nonhalogenated solvents that are denser than air and/or that are covered when not in use. Must not be located in Tulsa or Oklahoma Counties (see OAC 252:100-39-42) nor subject to any federal standard.
- Solvent usage for spot cleaning and maintenance purposes not to exceed 1 gallon/month
- Emissions from laundry care equipment processing of bedding, clothing or other fabric items. These include dryers, extractors, & tumblers. NOT CLEANING OPERATIONS USING PERCHLOROETHYLENE OR PETROLEUM SOLVENTS (i.e., dry cleaning)
- Alkaline/phosphate washers and associated burners
- Acid washing (maintenance cleaning)
- Caustic washing (maintenance cleaning)
- Water washing or blasting
- Washing of mobile sources including aircraft
- Carbon dioxide blasting equipment in degreasing or depainting
- High pressure water depainting operations and aqueous industrial spray washers
- Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes, except those systems used to collect particulate matter subject to 252:100 and hazardous and/or toxic air contaminants
- Equipment used for portable steam cleaning
- Machine blowdown with air for cleaning/maintenance

- Ultrasonic cleaning operations which do not utilize volatile organic compounds
- Natural gas water heating systems for fixed vehicle wash racks
- Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam
- Commercial laundries (excluding dry cleaners)

INSULATION

- Installation or removal of non-asbestos insulation
- Repair and replacement of non-asbestos refractory & insulation

MAINTENANCE

- Welding, brazing, soldering for maintenance purposes
- Use of adhesives, glues, etc. for maintenance purposes
- Grinding, cutting, sanding of non-asbestos materials for maintenance purposes
- Pipeline maintenance pigging activities
- General maintenance, upkeep, and replacement activities, including those which do not alter the capacity of process, combustion or control equipment nor increase regulated pollutant emissions, unless subject to NESHAP or NSPS

FUGITIVES

- Landfills and land farms unless otherwise regulated by an applicable state or federal regulation.
- Seal replacement (e.g., manhole gaskets)
- Roof coating, service, and repair including tar and asphalt roofing operations
- Paving (excluding asphalt plants) of roads, parking lots, and other areas, except in Tulsa and Oklahoma Counties (see OAC 252:100-39-40)
- Vent emissions from gas streams used as buffer or seal gas in rotating pump and compressor seals
- Natural gas odorizing activities
- Pneumatic starters on reciprocating engines, turbines, compressors, or other equipment
- Gas or other flares used solely to indicate danger to the public (e.g. road hazard)
- Warehouse activities including the storage of packaged raw materials and finished goods
- Non-routine cleaning of tanks, lift stations, and equipment for the purposes of worker entry or in preparation for maintenance or decommissions
- Unpaved roadways and parking areas
- Gravel, sand and dirt storage for use in on-site construction projects unless part of a nonmetallic processing plant subject to 40 CFR Part 60, Subpart 000
- Materials, e.g., pharmaceuticals and disinfectants, used by an infirmary or clinic to care for the human or animal patients at the facility
- Fugitive emissions of jet fuels associated with aircraft fuel cell and fuel bladder repair
- Automobile/truck repair/maintenance excluding those with paint booths or those that use halogenated solvents and are subject to 40 CFR Part 63 Subpart T

WASTEWATER

- Removal of basic sediment & water from collection/storage systems (i.e., clarifiers)
- Removal of sludge or sediment from pits, ponds, sumps, or wastewater conveyance channels
- Application of industrial and/or municipal wastewater and sludges at land farms
- Ozonation process or process equipment including ozone generation for water treatment processes
- Sanitary sewerage and storm water runoff collection systems
- Commercial truck/car washes that use water and solvents
- Septic tank systems

ANALYSIS/TESTING

- Hydraulic or hydrostatic testing including pipe, casing and vessel pneumatic testing facilities
- Site assessment work, including but not limited to, the evaluation of waste disposal or remediation sites
- Instrument systems utilizing air or natural gas
- Environmental field sampling operations
- Compressed gas cylinders and gases utilized for equipment calibration and testing
- Field laboratory units conducting on-site testing or analysis of materials
- Science laboratories used for the purposes of teaching and research at educational institutions

PLASTICS/FIBERGLASS

- Plastic or fiberglass repair

OUTDOOR & RECREATIONAL

- Outdoor recreational emissions (campfires, barbecue pits)
- Outdoor non-plumbed restroom facilities (port-a-potties)
- Outdoor kerosene heaters or lamps

RESIDENTIAL

- Space heaters, boilers, fireplaces for heat & recreation, hot water heaters, stoves, ovens, gas dryers and other appliances with less than or equal to 5 MMBTU/hr heat input
- Heating, air conditioning and ventilation systems
- Residential housing units and multifamily dwellings to include fuel burning for heating, except prohibited open burning
- Stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps
- Residential LPG tanks

SURFACE COATING

- Surface coating for maintenance purposes
- Commercial mobile painting operations
- Residential painting/surface coating

STORAGE

- Lube oil, seal oil, or hydraulic fluid storage tanks and equipment as long as not emitting VOCs or HAPs
- Fuel/VOC storage tanks with less than 400 gallons capacity, or fuel/VOC storage tanks with less than 10,567 gallons capacity built after July 23, 1984, or tanks storing fuel/VOC that has a true vapor pressure at storage conditions less than 1.5 psia. This includes Fuel Oils Nos. 2 - 6, Nos. 2-GO - 4-GO, Diesel Fuel Oils Nos. 2-D - 4-D, and Kerosene.
- Storage and use of chemicals unless otherwise regulated by an applicable state or federal regulation
- Storage and use of products or equipment for maintaining motor vehicles operated at the site (including but not limited to antifreeze and fuel additives) not regulated under Title VI, CFC rules)
- Tanks containing separated water produced from oil and gas operations
- Retail/commercial gasoline dispensing stations unless otherwise covered by applicable state and federal regulations
- Lubricants and waxes used for machinery and other equipment lubrication and lubricating oil or hydraulic fluid storage tanks and equipment
- Runway and aircraft de-icing activities, including de-icer storage tanks unless otherwise regulated
- Oxygen storage tanks and associated equipment
- Storage tanks, reservoirs, and pumping and handling equipment of any size which contain soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized
- Crude oil tank bottom reclaiming

LUBRICATING

- Lubricating pumps, sumps, and systems
- Engine crankcase vents and equipment lubricating sumps

MOBILE SOURCES

- Mobile source emissions from cars, trucks, forklifts, courier vehicles, front loaders, graders, cranes, carts, hydrostatic and hydraulic testing equipment, maintenance trucks, helicopters, locomotives, marine vessels, portable generators (that are moveable by hand), portable pumps, portable air compressors, portable welding machines, and portable fuel tanks
- Other on and off road mobile sources (i.e. coal stacker & reclaimer)
- Aircraft ground support equipment (AGE), including but not limited to portable power generators, lights, HVAC support, and aircraft refueling equipment
- Vehicle exhaust from maintenance or repair shops
- Aircraft movement, including on-ground engine run-ups, take-offs, landings, touch and go landings and inflight fuel jettisoning
- Road sanding and salting operations
- Mobile abrasive blasters

BATTERY CHARGING

- Battery recharging areas
- Industrial battery recharging and maintenance operations for batteries utilized within the facility only
- Backup power batteries

SOLID WASTE

- Municipal Solid Waste disposal containers, e.g. dumpsters
- Any closed municipal solid waste landfill that did not accept waste after 11/8/87 or which has no additional capacity to accept waste in the future.
- RCRA Solid Waste Management Units subject to 40 CFR Part 265, Subparts AA, BB, & CC
- Composting operations
- Construction and demolition waste landfills
- Municipal solid waste transfer stations
- Waste recycling, collection, sorting and baling facilities (e.g., aluminum, paper, glass, plastic, etc.)

BLOWDOWNS

- Blowdown of compressors or other vessels containing natural gas or liquid hydrocarbons for maintenance due to emergency circumstances
- Blowdown from compressed air lines

ANIMALS

- Animal kennels and veterinary clinics
- Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating

METALS

- Equipment used for inspection of metal products
- Die casting machines
- Foundry sand mold forming equipment to which no heat is applied, and from which no organics are emitted
- Equipment used exclusively for wire drawing either hot or cold metals
- Retail machine tool and die operations

COMBUSTION EQUIPMENT

- Space heaters and boilers less than 10 MMBTU/hr heat input
- Emissions from non-natural gas fueled stationary internal combustion engines rated less than 50 hp output
- Emissions from gas turbines with less than 215 kilowatt rating of electric output
- Natural gas fueled internal combustion engines rated <150 hp and <20 years old
- Emergency use equipment, unless utilized in excess of 500 hours per year, and associated fuel storage tankage

MISCELLANEOUS

- Exhaust systems for chemical, paint, and/or solvent storage rooms or cabinets, including hazardous waste satellite (accumulation) areas.
- Exhaust from food preparation for on-site/off-site human consumption (e.g. restaurants, fast food) or on-site retail sale
- Blue-line (blue-print) facilities
- Electrically operated bake-off ovens with a maximum capacity of 12 tons/hr
- Natural gas fired bake-off ovens and pottery kilns with a maximum capacity of 0.8 ton/hr
- Grinding of solid surfaces that do not contain asbestos if done in water where particles are captured
- Aerosol can spraying for miscellaneous use
- On-site construction of residential/commercial buildings