MEETING SUMMARY
Division of Environmental Quality, Office of Air Quality

DETAILS

Date: March 2, 2020
Location: DEQ Headquarters
Call-in Details: N/A
Subject: Phase I Rule 26 Strawman Draft

Attendees:
Stakeholders: Mark Allison, Stuart Spencer, Ben Holden, Stan Chivers, Chuck Buttry, Akemi Bauer, Courtney Garland, Ann Faitz, Ava Roberts.
DEQ: Pete Alberg, Thomas Rheame, Tricia Treece, Kelly Jobe, Erika Droke

AGENDA

I. Introduction
• Phase I Overview
• Future Phases

Discussion: DEQ introduced a tentative rulemaking schedule and phased plan for revision of air quality rules. Phase I revisions will include recent State legislative provisions, general streamlining/clean-up and those changes discussed and recommended by the EASE Regulatory Workgroup in 2019. Feedback on the Phase I strawman drafts are due April 6, 2020. Petitioning the Commission to initiate rulemaking for Phase I is tentatively planned for Fall 2020. Phase II revisions will include recommendations from resumed monthly Workgroup meetings beginning in Late Spring/Early Summer 2020.

II. Roundtable Discussion
• Phase I Strawman Draft of Rule 26
  o General impressions
  o Suggested changes

Discussion:
• Mimic federal definitions for revised definitions
• Defined terms – would like terms in the regulatory text to be bold, italic, otherwise visually set apart
• “Rule” for state/APC&EC provisions, “Regulations” for federal/CFR language; apply also to Rules 18 & 19
• “section,” “subsection,” or more general references ok to use when referring to Rule 26 provisions rather than specific references which may change later. [e.g., “This
Create discussion aid to identify which definitions from federal law and which crafted by DEQ? Suggest a chart for Chapter 2 to show sourcing where not included in Part 70 comparison doc.

One suggested creating footnotes or parenthetical notation with source(s) of definition.

Remove numbered citations to specific Rule provisions, more generic “as defined in Chapter 9” instead of “26.903.” (Administrative permit amendment)

26.302(D): GHG Tailoring Rule artifact? Remove, if possible.

“Air contaminant” vs. “air pollutant”
- Use “contaminant” throughout? (defined term in AR Water/Air Pollution Control Act)
- Could use just 2 terms: “Recognized air pollutant” for Part 70/federal pollutants; “Air contaminant” for big umbrella/state/ACA (see diagram below)

“Major source”
- Owner/Operator in RCRA is significant
  - Personification fix may not appropriate under certain circumstances.
  - Where used in Part 70, keep it as “Part 70 source.”
  - Owner/operator may need a definition in Rule 19
  - Maybe replace the owner or operator of with the permittee (or applicant)
  - Use “or responsible official,” “the permittee,” or “the applicant” instead of “owner/operator”
- Under (A)(1), “such” circles back to a subset of the listed HAPs.
  - Use “those” instead (to avoid pulling in pollutants not a part of the subset)
  - Check for nuances of removing “such” throughout the strawman Rule

“Part 70 Source”
- Stationary source, emissions unit – permits use “source #143” which is actually an emissions unit at a stationary source. Applies to SN143 or whole facility? (inconsistency with Rule and permit language)
- Owner/Operator issue here, also (see above for details)
- Recommended that in the short-term an explanation of emission unit/source number be discussed in permitting guidance
“Permit modification” and “Permit revision”
  o A permit modification is any revision to a Part 70 permit that cannot be accomplished under Chapter 9 of Rule 26.
  o “Revision” vs. “change” – “change” is preferable, to avoid confusion because “permit revision” is a defined term
  o Circular language in definitions needs to be fixed: “permit revision…permit amendment…revision…modification…revision…” Use of “change” might help

“PM10” – Remove definition; unnecessary

“Recognized air pollutant emissions”
  o Where is “recognized” from? Research the source
  o If 26.305 is removed, can also remove this definition

“Title I modification” - modification under Rule 19 is a Title I mod.
  o Except “de minimis” changes in Rule 19
  o “de minimis” not defined/recognized by EPA for HAPs
  o Clarity in the Permitting FAQ would be a good idea
  o May need rule address in Phase II

Discussion of future phases for EASE regulatory streamlining process
  o Timing
  o Topic priorities
    ▪ Rule consolidation
    ▪ PSD
    ▪ Public notice
    ▪ Minor NSR
    ▪ Stage I Vapor Recovery
    ▪ Etc.

III. Next Steps

  • Next Workgroup meeting on March 4 to discuss Phase I Strawman Draft of Rule 19

Discussion: The Workgroup will continue reviewing strawman drafts and provide feedback to DEQ by April 6. The next meeting is scheduled March 4, from 10-12, to discuss Rule 19 strawman. The group will decide priority of topics for Phase II at a later time.