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**Tim Ruby, Executive Secretary  
Environmental Quality Council**

Response to Comments Air Quality Division Rulemaking Before the EQC 7/8/2010

Commenter: Shay R. Westbrook, Gene R. George and Associates (Yates Petroleum Corp)  
Date: 6/22/2010

Comment #1: Yates understands the need to update AQ standards by referencing the Code of Federal Regulations and believes that regulation of the oil and gas industry is most effective when conducted by the State rather than the federal agencies.

Response: The AQ Division appreciates the support from Yates on this effort. In order for the state to retain primacy in this area, the Division is required to adopt New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants into State rule on a regular basis. Once that adoption has occurred, the State requests delegation from the EPA to continue to enforce the regulations as State standards.

Comment #2: Yates again understands the need for adoption, but is particularly concerned with the new emission testing requirements for stationary internal combustion engines (subpart JJJJ). Yates points out the additional expense and time necessary to comply with these standards.

Response: The AQ Division is aware that subpart JJJJ presents additional burdens for the regulated industry; however, if the Division does not adopt these standards into State rule, the EPA will still require compliance with the rule and the EPA will regulate the industry directly. Unfortunately, the best time to have commented on the particulars of subpart JJJJ was during the federal rulemaking process for this subpart.