

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 31. Control of Emission of Sulfur Compounds

Part 1. General Provisions

252:100-31-1. Purpose [AMENDED]

252:100-31-2. Definitions [AMENDED]

252:100-31-4. Excess emission reporting and alternative reporting schedule [NEW]

Part 2. Ambient Air Concentration Limits or Impacts for New and Existing Equipment, Sources, or Facilities

252:100-31-7. Ambient air concentration limits or impacts [AMENDED]

Part 3. Existing Equipment Standards

252:100-31-13. Sulfuric acid plants [AMENDED]

252:100-31-15. Kraft pulp mills [AMENDED]

252:100-31-16. Fossil fuel-fired steam generators [AMENDED]

Part 5. New Equipment Standards

252:100-31-25. Fuel-burning equipment [AMENDED]

252:100-31-26. Petroleum and natural gas processes [AMENDED]

252:100-31-27. Pulp mills [AMENDED]

SUMMARY:

The Department is proposing changes to Subchapter 31, Control of Emission of Sulfur Compounds, to clarify the language and to bring the allowable sulfur dioxide (SO₂) ambient air limits set forth in OAC 252:100-31-7 into line with the requirements of the recently-enacted change to the SO₂ National Ambient Air Quality Standards (NAAQS). In addition, the Department is proposing to add requirements for fuel-burning equipment that use an alternative fuel.

AUTHORITY:

Generally, Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, and 27A O.S. § 2-5-106; Air Quality Advisory Council powers and duties, 27A O.S. § 2-2-201 and 27A O.S. § 2-5-107; and Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 through -117, and specifically 27A O.S. §2-5-112 (Subchapter 31).

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the hearing on July 20, 2011. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the July 20, 2011 hearing and at the August 23, 2011 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, July 20, 2011, at the Tulsa Campus of Oklahoma State University, 700 N. Greenwood, Tulsa, Oklahoma 74106.

Before the Environmental Quality Board at 9:30 a.m. on Friday, August 23, 2011, at Tulsa, Oklahoma.

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 § 51.102 and 27A O.S.

§ 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. § 2-5-107(3).

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, record keeping, 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 THE PROPOSED RULE:

The proposed rule will be available for review 30 days prior to the hearing 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.

RULE IMPACT STATEMENT:

The rule impact statement will be available for review 30 days prior to the hearing 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 this proposal is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4100. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. 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)702-4216. 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 110. LEAD-BASED PAINT MANAGEMENT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:110-1-1. Purpose [AMENDED]

252:110-1-2. Basis and authority [AMENDED]

252:110-1-7. Reference to 40 CFR [REVOKED]

Subchapter 5. Incorporation by Reference

252:110-5-1. Incorporation by reference [AMENDED]

Subchapter 15. Additional Renovation, Repair, and Painting (RRP) Requirements [NEW]

252:110-15-1. Definitions [NEW]

252:110-15-2. Scope [NEW]

252:110-15-3. Accreditation of training programs [NEW]

252:110-15-4. Renovator certification requirements [NEW]

252:110-15-5. Certification of firms conducting renovation services [NEW]

252:110-15-6. Fees [NEW]

SUMMARY:

The Department is proposing to amend OAC 252:110, Lead-Based Paint Management, to add a new Subchapter 15, Additional Renovation, Repair, and Painting (RRP) Requirements. The proposed rule would establish state requirements that are consistent with those established by the U.S. Environmental Protection Agency (EPA) in 40 CFR Part 745 and affect contractors who perform renovation, repair, and painting projects in homes, child-care facilities, and schools built before 1978. The proposal would also affect training providers who offer renovation and dust sampling courses. The proposed state rule is no more stringent than the federal rule and would incorporate changes to be consistent with the Department's current rules. This rule revision is essential to the Department's efforts to obtain EPA delegation to administer the federal Lead-Based Paint Renovation Program in Oklahoma.

The proposal includes amending OAC 252:110-5-1, Incorporation by reference, to add the federal RRP requirements in 40 CFR Part 745. Also, the proposal would establish fees for obtaining and renewing firm certifications and other associated services, which would be assessed after EPA has delegated the Department authority for the program. This proposal provides that a fee for firm certification is to be paid to the Department upon expiration of any existing EPA renovation firm certification. The proposal would also establish an accreditation fee to be paid annually by the accredited facility for each renovation and dust sampling course, in addition to fees and requirements currently established in OAC 252:110-9. Training programs previously accredited by EPA would submit fees for accreditation upon expiration of their current accreditation. Both the proposed firm certification and the accreditation fees are equal over time to the corresponding fees in the federal rule.

The Department is proposing to revoke OAC 252:110-1-7, Reference to 40 CFR because it is a duplication of language already included in Subchapter 5, Incorporation by Reference. In addition, the Department is proposing to amend OAC 252:110-1-1, Purpose, and OAC 252:110-1-2, Basis and authority, to clarify statutory language.

AUTHORITY:

Environmental Quality Board and Air Quality Advisory Council powers and duties, 27A O.S. §§ 2-2-101 and 2-2-201, respectively; and Oklahoma Lead-Based Paint Management Act, 27A O.S. §§ 2-12-101 and 2-12-201.

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the hearing on July 20, 2011. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the July 20, 2011 hearing.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on July 20, 2011, at the Tulsa Campus of Oklahoma State University, 700 N. Greenwood, Tulsa, Oklahoma 74106.

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, record keeping, 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 THE PROPOSED RULE:

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