

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 2. Incorporation by Reference

252:100-2-3. [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

**SUMMARY:**

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations, including the addition of a new Subpart BBa in 40 CFR, Part 60, which applies to certain facilities at Kraft pulp mills, and Table A-1 to Subpart A of Part 98 containing the Global Warming Potentials for use in determining carbon dioxide equivalent (CO<sub>2</sub>e) emissions for use in greenhouse gas (GHG) regulations. 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.

This rulemaking will not affect permanent finally adopted rules effective September 12, 2014.

**AUTHORITY:**

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Sections 2-5-105, and -114 for Subchapter 2 and Appendix Q.

**COMMENT PERIOD:**

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on October 15, 2014. 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 October 15, 2014 hearing and at the November 13, 2014 Environmental Quality Board hearing.

**PUBLIC HEARINGS:**

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 15, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its next meeting, currently scheduled for 9:30 a.m. on Thursday, November 13, 2014, at Northeastern State University, Broken Arrow Campus, 3100 E. New Orleans St., Broken Arrow, Oklahoma 74014.

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 Section 51.102 and 27A O.S. Section 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. Section 2-5-112(B)(9).

**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 PROPOSED RULES:**

The proposed rules are 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](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 STATEMENTS:**

The rule impact statements will be available on and after September 15, 2014 on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](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 these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at [cheryl.bradley@deq.ok.gov](mailto: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)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.