

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

**RULEMAKING ACTION:**

PERMANENT final adoption

**PROPOSED RULES:**

Subchapter 9. Administrative Proceedings  
Part 5. Air Quality Advisory Council Hearings  
252:4-9-51 [AMENDED]  
252:4-9-52 [AMENDED]

**AUTHORITY:**

Environmental Quality Board, 27A O.S., §§ 2-2-101, 2-2-201; and  
Oklahoma Clean Air Act, 27A O.S., §§ 2-5-101 *et seq.*

**DATES:**

**Comment period:**

June 16, 2003 through July 16, 2003

**Public hearing:**

July 16, 2003 and September 9, 2003

**Adoption:**

September 9, 2003

**Submitted to Governor:**

September 17, 2003

**Submitted to House:**

September 17, 2003

**Submitted to Senate:**

September 17, 2003

**Gubernatorial approval:**

October 27, 2003

**Legislative approval:**

Failure of the Legislature to disapprove the rules resulted in  
approval on March 24, 2004

**Final adoption:**

March 24, 2004

**Effective:**

June 1, 2004

**SUPERSEDED EMERGENCY ACTIONS:**

None

**INCORPORATIONS BY REFERENCE:**

None

**ANALYSIS:**

The Department proposes to delete the option for the Air Quality  
Advisory Council to conduct individual proceedings on enforcement  
matters. This amendment is for conformity with statute, as  
legislated in HB 1019 and approved by the Governor April 22, 2003.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE  
CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1  
(A), WITH AN EFFECTIVE DATE OF JUNE 1, 2004.

**SUBCHAPTER 9. ADMINISTRATIVE PROCEEDINGS**

**PART 5. AIR QUALITY ADVISORY COUNCIL HEARINGS**

**252:4-9-51. In general**

The Air Quality Advisory Council is authorized to conduct individual proceedings on ~~enforcement matters and requests for a~~ variance from the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 through 2-5-118, or the Air Pollution Control Rules, OAC 252:100.

**252:4-9-52. Individual proceedings**

Individual proceedings before the Air Quality Advisory Council will be conducted in accordance with the requirements in Part 3 of this Subchapter. ~~To be heard by the Council, the request for hearing in response to an Order must include a request that the Council conduct the hearing.~~ The Council may designate an Administrative Law Judge for individual proceedings to be held before the Council. ~~The Council or its designee may perform Administrative Law Judge functions described in Part 3 of this subchapter.~~