

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process

Part 1. The Process

252:4-7-13 [AMENDED]

Part 3. Air Quality Division Tiers and Time Lines

252:4-7-32 [AMENDED]

252:4-7-33 [AMENDED]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to amend the air quality portions of Chapter 4, Subchapter 7 to better align the Department's issuance process and public participation procedures for Part 70 source construction and operating permits with the New Source Review (NSR) permit requirements and Title V operating permit requirements promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Part 51, Subpart I, and 40 CFR Part 70, respectively. The proposal would also provide for the Department's use of online notice for Tier I applications for certain permits. Specifically, amendments are being proposed to subsection (g), (Additional notice content requirements for Clean Air Act Permits) of OAC 252:4-7-13, Notices; OAC 252:4-7-32, Air quality applications – Tier I; and OAC 252:4-7-33, Air quality applications – Tier II. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules are not less stringent than the federal rules require. This will remove an obstacle in obtaining approval from EPA for relevant portions of Oklahoma's State Implementation Plan (SIP), which will help ensure that the Department retains approval of the state NSR permit program and the Title V operating permit program.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-117.

COMMENT PERIOD:

Written comments may be submitted to the contact person from May 15, 2020, through June 15, 2020. Oral comments may be made at the June 17, 2020 hearing and at the September 15, 2020 Environmental Quality Board hearing in Altus, Oklahoma.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, June 17, 2020, via videoconference or teleconference in compliance with the Open Meetings Act, as amended by SB 661 (2020). Members of the Council and public may attend via videoconference or teleconference, and a room will be available at the DEQ Headquarters, 707 N. Robinson Ave., Oklahoma City, OK 73102, for any members of the public who wish to attend in person. Videoconference or teleconference details may be obtained from the contact person or obtained online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=> when the agenda of the hearing is published at least 24 hours prior to the meeting. In the event the current state of emergency has expired or been terminated by the Governor, the hearing shall take place at the same date and time at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the

Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, September 15, 2020, in Altus, 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. § 2-5-112(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, recordkeeping, 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:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=>.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and available on and after May 15, 2020, on the DEQ Air Quality Division website at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=>. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Melanie Foster, Environmental Programs Manager, at (405) 702-4100. Please send written comments on the proposed rule changes to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. 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) 702-4177. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.