

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:100-1-3 [AMENDED]

252:100-1-4 [AMENDED]

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1 [AMENDED]

Part 3. Construction Permits

252:100-7-15 [AMENDED]

Part 4. Operating Permits

252:100-7-18 [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 5. Permits For Part 70 Sources

252:100-8-2 [AMENDED]

252:100-8-4 [AMENDED]

252:100-8-5 [AMENDED]

252:100-8-7.2 [AMENDED]

252:100-8-8 [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to amend definitions and permitting requirements in Subchapters 1, 7, and 8 to better align the Department's permit requirements and issuance process 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 gist of the proposed rules 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.

The Department is proposing to revoke and replace OAC 252:100, Appendix Q, Incorporation by Reference. 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. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the NESHAPs and NSPS.

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 September 15, 2020, through October 16, 2020. Oral comments may be made at the October 21, 2020 hearing and at the November 10, 2020 Environmental Quality Board virtual hearing.

PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 21, 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. Videoconference or teleconference details may be obtained from the contact person or obtained online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjY=> when the agenda of the hearing is published at least 24 hours prior to the meeting. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its virtual meeting scheduled for 9:30 a.m. on Tuesday, November 10, 2020. Details for connecting to the meeting will be provided on the EQB page of the DEQ website prior to the meeting.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the 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).

REQUESTS 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 DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjY=>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and available on and after September 15, 2020, on the DEQ Air Quality Division website at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTA5NjY=>. Copies may also be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Melanie Foster, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments 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.