

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 110. LEAD-BASED PAINT MANAGEMENT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Definitions

252:110-3-1 [AMENDED]

Subchapter 5. Incorporation by Reference

252:110-5-1 [AMENDED]

Subchapter 9. Additional Accreditation Requirements

252:110-9-1.1 [AMENDED]

Subchapter 11. Additional LBP Certification Requirements

252:110-11-3 [AMENDED]

252:110-11-7.1 [NEW]

Subchapter 13. Additional Work Practice Standards

252:110-13-5 [AMENDED]

252:110-13-7 [NEW]

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

252:110-15-3 [AMENDED]

252:110-15-3.1 [NEW]

252:110-15-4 [AMENDED]

252:110-15-5 [AMENDED]

SUMMARY:

The Department of Environmental Quality (Department or DEQ) is proposing to amend Oklahoma Administrative Code (OAC) 252:110, Lead-Based Paint Management, to update the incorporation by reference section, to add provisions to implement the military reciprocity statute (59 O.S. § 4100, *et seq.*, Military Service Occupation, Education, and Credentialing Act), to update clearance levels to parallel dust-lead hazard changes, to remove several outdated provisions, and to correct minor punctuation and grammar errors. The proposed updates to clearance levels are necessary to maintain EPA approval for Oklahoma's Lead-Based Paint program. The gist of the proposed rulemaking is to update the rule in accordance with recent changes to the federal lead-based paint poisoning prevention requirements, and to provide reciprocity for active duty military service members and their spouses.

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 Lead-based Paint Management Act; 27A O.S. §§ 2-12-101 and 2-12-201.

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 hearing at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

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. 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, November 10, 2020 at the DEQ Headquarters, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

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:

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.