OKLAHOMA Department of Environmental Quality

Board Rulemaking Activities

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<tr>
<th>Chapter</th>
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<tr>
<td>4 Appendix C</td>
<td>Air Quality Advisory Council</td>
<td>Amended OAC 252:4, Appendix C to insert a notation ensuring that permit holders were aware of recent changes to the public noticing provisions of Chapter 4 for Air Quality permits.</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>4 SC 7</td>
<td>Air Quality Advisory Council</td>
<td>Amended OAC 252:4, SC 7 to ensure that the State’s rules requiring public notice were 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.</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>100 SCs 1, 7, 8</td>
<td>Air Quality Advisory Council</td>
<td>Amended OAC 252:100, SC 1, 7, and 8 to ensure that the State’s rules requiring public notice were not less stringent than the federal rules require. In addition to the formal adoption of the FEPA structure, the formal designation of the “enhanced” NIR procedure, and the new option to follow the “traditional” NIR procedure will ensure continued enforceability of permits issued by the Department while obt...</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>100, SC 2, Annexes A, D</td>
<td>Air Quality Advisory Council</td>
<td>Amended OAC 252:100, SC A and Annex A Q to incorporate the latest changes to EPR regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>110, SCs 3, 5, 11, 13, 15</td>
<td>Air Quality Advisory Council</td>
<td>Amended OAC 252:100, SC 3 and Annex Q to incorporate the latest changes to EPR regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>205 SC 1</td>
<td>Hazardous Waste Management Advisory Council</td>
<td>Amended OAC 252:205, SC 3 to make ODEQ’s hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 240 and 265-279, revised as of July 1, 2020. The significant rule change for this IBR adds hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (RCRA) regulations. This change will provide a clear, protective system for managing discarded aerosol cans by easing regulatory burdens, promoting collection and recycling, and encouraging the development of programs to reduce the quantity of these wastes sent to municipal solid waste landfills or combustors. This rulemaking will ensure that Oklahoma’s hazardous waste rules are at least equivalent to the federal rules, as required to maintain program Authorization.</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>517 SCs 1, 9, 11, 15, 19</td>
<td>Solid Waste Management Advisory Council</td>
<td>Amended OAC 252:517, SC 1, 9, 11, 15, and 19 to incorporate federal changes and ensure state CCR rules are at least as protective as federal rules. This rulemaking is necessary to maintain Environmental Protection Agency (EPA) authorization of Oklahoma’s CCR regulatory program.</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
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<td>606 SC 1</td>
<td>Water Quality Management Advisory Council</td>
<td>Amended OAC 252:606, SC 1 to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department’s delegation agreement and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma.</td>
<td>EQR 2-19-21</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>631, SC 1</td>
<td>Water Quality Management Advisory Council</td>
<td>Amended OAC 252:631, SC 1 to update the rule concerning the date of the incorporation by reference of certain federal regulations from January 1, 2017, to July 1, 2020, which allows for inclusion of all pertinent CFR parts amended between January 1, 2017, and July 1, 2020, specifically allowing for newly approved alternative testing methods for contaminants listed at 40 CFR 141.21([1] and found in Appendix A to Subpart C of Part 141.</td>
<td>EQR 15-10-20</td>
<td>Governor signed OK HJR046</td>
<td>6-11-21</td>
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<td>641 SCs 1, 3, 12, 15, Appendices H, N</td>
<td>Water Quality Management Advisory Council</td>
<td>Amended OAC 252:641, SCs 1, 2, 15, and Appendices H and N to allow more Oklahomans to use their personal property more freely with these reduced regulations. This emergency action began in response to House Bill 3461, which was introduced during the 2020 Legislative Session. During this time, COVID-19 began to take hold and HB 3461 did not make it through the process of becoming law. HB 3461 would have directed the Agency to make these changes and the Department would have proposed these emergency rules, however the COVID pandemic did not allow the bill to be passed. These emergency rules became effective upon signature by the Governor:</td>
<td>EQR 2-19-21</td>
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