

Board Rulemaking Activities

Chapter	Council	Subject	Adopted	Type	Effective
4 Appendix C	Air Quality Advisory Council	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.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
4 SC 7	Air Quality Advisory Council	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.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
100 SCs 1, 7, 8	Air Quality Advisory Council	Amended OAC 252:100, SCs 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, the formal adoption of the FESOP structure, the formal designation of the "enhanced" NSR procedure, and the new option to follow the "traditional" NSR procedure will ensure continued enforceability of permits issued by the Department while offsetting some new requirements with new alternatives to expedite the process of permit issuance. Changes made to the DEQ rules to bring them into alignment with federal requirements 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.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
100, SC 2, Appendix Q	Air Quality Advisory Council	Amended OAC 252:100, SC2 and Appendix Q to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
110, SCs 3, 5, 9, 11, 13, 15	Air Quality Advisory Council	Amended OAC 252:100, SC2 and Appendix Q to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
205 SC 3	Hazardous Waste Management Advisory Council	Amended OAC 252:205, SC 3 to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 124 and 260-279, 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.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
517 SCs 1, 9, 11, 15, 19	Solid Waste Management Advisory Council	Amended OAC 252:517, SCs 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.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21

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606 SC 1	Water Quality Management Advisory Council	Amended OAC 252:606, SC 1 to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department's delegation agreement with the Environmental Protection Agency (EPA), and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma. The Department updated its rules concerning the date of the incorporation by reference for the Code of Federal Regulations from July 1, 2018, to July 1, 2020. The federal regulation updates incorporated are minor and intended to modernize regulations, promote submission of complete permit applications, and clarify regulatory requirements to allow more timely development of NPDES permits that protect human health and the environment.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9/15/21
631, SC 1	Water Quality Management Advisory Council	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(f) (3) found in Appendix A to Subpart C of Part 141.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
641 SCs 1, 3, 12, 15, Appendices H, N	Water Quality Management Advisory Council	Amended OAC 252:641, SCs 1, 2, 12, 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.	EQB 11-10-20 Governor signed 1-4-21	Emergency	1-4-21
641 SCs 1, 3, 12, 15, Appendices H, N	Water Quality Management Advisory Council	Amended OAC 252:641, SCs 1, 3, 12, 15 and Appendices H and N to: (1) add or amend definitions relating to chambers, manufactured media systems, and Zone 1; (2) establish sizing reduction guidelines for Conventional Subsurface Absorption systems (including manufactured media systems); (3) amend aerobic system surface application area totals and establish sizing criteria for small public aerobic systems; and (4) address numbering issues for Appendices referenced in rule text.	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21
690, SC 1	Water Quality Management Advisory Council	Amended OAC 252:690, SC 1 to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department's delegation agreement with the Environmental Protection Agency (EPA), and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma. The Department updated its rules concerning the date of the incorporation by reference for the Code of Federal Regulations from July 1, 2016, to July 1, 2020. The most significant federal regulation update being incorporated is EPA's and the Department of the Army's redefining and clarifying the scope of "Waters of the United States" federally regulated under the Clean Water Act consistent with the Executive Order signed on February 28, 2017 entitled "The Navigable Waters Protection Rule: Definition of Waters of the United States."	EQB 2-19-21 Governor signed OK HJR1046 6-11-21	Permanent	9-15-21

