

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 210. HIGHWAY SPILL REMEDIATION**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1 Purpose, Authority and Applicability

252:210-1-2 [AMENDED]

252:210-1-3 [AMENDED]

252:210-1-4 [AMENDED]

252:210-1-5 [AMENDED]

252:210-1-6 [AMENDED]

252:210-1-7 [AMENDED]

252:210-1-8 [AMENDED]

SUMMARY:

The gist of the rule that the Department is proposing is to: (1) add definitions for “Completion of Remediation” and “Contact Agency”; (2) clarify that all license holders are responsible for the actions of their sub-contractors; (3) create training requirements for new licensees; (4) create minimum requirements for the initial reporting of spills to the Department; (5) add language making the final reporting of spill cleanups mandatory to the Department; (6) add language to suspend or revoke a license for performing remediation services without authorization from lead officials or responsible parties and failing to report spills; and (7) make other minor clarifications and corrections.

AUTHORITY:

Environmental Quality Board, 27A O.S §2-2-101; Hazardous Waste Management Advisory Council, 27A O. S. § 2-2-201; and 27A O.S. §§ 2-7-107 and 2-7-403.

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 3, 2019, through October 10, 2019. Oral comments may be made at the Hazardous Waste Management Advisory Council meeting on October 10, 2019, and at the Environmental Quality Board meeting at the regularly scheduled meeting to be held in February 2020.

PUBLIC HEARING:

Before the Hazardous Waste Management Advisory Council on October 10, 2019 at 10:00 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101. Before the Environmental Quality Board at the regularly scheduled meeting to be held in February 2020 at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred 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, Oklahoma, during normal business hours (8:00 am – 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/highway-remediation/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/highway-remediation/>.

CONTACT PERSON:

The contact person is Jennifer Handley. Jennifer may be contacted at: jennifer.handley@deq.ok.gov (e-mail) or (405) 702-6100 (phone). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-722-0353, for TDD machine use only.