

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 221. BROWNFIELDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:221-1-4. Terms not defined by the Code or rule [AMENDED]

252:221-1-6. Transitioning from Voluntary Cleanup Program to Brownfield Program [AMENDED]

Subchapter 3. The Brownfield Program

252:221-3-2. Process [AMENDED]

252:221-3-3. Proposal [AMENDED]

252:221-3-5. Public participation [AMENDED]

Subchapter 5. Verification of Brownfields Projects

252:221-5-1. Applicability [AMENDED]

Subchapter 7. Revolving Loan Funds (RLF)

252:221-7-1. Purpose, authority and applicability [AMENDED]

252:221-7-2. Definitions [AMENDED].

252:221-7-3. Borrower eligibility [AMENDED]

252:221-7-4. Eligible uses [AMENDED]

252:221-7-5. Ineligible uses [AMENDED]

252:221-7-7. Project selection criteria [AMENDED]

252:221-7-8. Protocol for demonstrating eligibility [AMENDED]

252:221-7-9. Public Involvement [AMENDED]

252:221-7-10. Final Decision Document [AMENDED]

252:221-7-11. Special terms and conditions [AMENDED]

252:221-7-13. Insurance [AMENDED]

SUMMARY:

The Brownfields Rules were codified through the 2011 legislative session, and have not been updated. Since that time, we have moved to an electronic filing system, the internet is now more widely used, EPA has changed our grant requirements, and our processes have changed. Also, the Oklahoma Department of Commerce is no longer our fund manager for the Brownfields Revolving Loan Fund and is mentioned in the rules. DEQ has managed the loan funds in-house for a couple of years. We want to update the Brownfields Rules to remove outdated legal citations, fix typos, reduce the amount of hard copies being sent to DEQ for review, allow for electronic files to be posted on our website, and remove references to Oklahoma Department of Commerce. This will reduce the costs for participants in DEQ's Brownfields Certificate and Brownfields Revolving Loan Fund Programs. The gist of the rulemaking is to update the rules to be more in alignment with current processes.

AUTHORITY:

Environmental Quality Board and Hazardous Waste Management Advisory Council powers and duties, 27A O.S., §§ 2-2-101, 2-2-104, 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from September 15, 2021 through October 21, 2021.

PUBLIC HEARINGS:

Before the Hazardous Waste Management Advisory Council on October 21, 2021 at 10:00 a.m. in compliance with the Open Meetings Act, as amended by SB 661 (2020). Members of the Council and public may attend in person in the Multipurpose Room at DEQ Headquarters, 707 N.

Robinson Ave., Oklahoma City, OK 73102. Information about the meeting and agenda can be obtained online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTIyNzI=> 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 the regularly scheduled meeting to be held in February 2022 at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Environmental Quality requests that business entities affected by these modifications provide the DEQ, within the comment period and in dollar amounts if possible, the increase or decrease 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 PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person or may be viewed on the DEQ web site at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/ or may be 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).

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement for the proposed rules will be on file at the DEQ and may be requested from the contact person listed below or viewed online at <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTIyNzI=>.

CONTACT PERSON:

Aron Samwel, Brownfields Program, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101 - 1677, e-mail at aron.samwel@deq.ok.gov, phone 405-702-5123, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Hazardous Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5226 or by using TDD relay number 1-800-522-8506