

MINUTES
AIR QUALITY ADVISORY COUNCIL
July 30, 2025
Department of Environmental Quality
707 North Robinson Avenue
Oklahoma City, OK 73102

Official AQAC Approved
at October 16, 2025 Meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on July 30, 2025. Notice of the meeting was forwarded to the Office of Secretary of State on October 24, 2024 and amended on May 15, 2025. The agenda was posted at the DEQ and the facility twenty-four hours prior to the meeting. Also, Ms. Beverly Botchlet-Smith acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that if you wish to make a statement when it's time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Matt Caves
James Farrell
Garry Keele
John Privrat
Michael Thayer
Jefferson Wilber
Laura Lodes

MEMBERS ABSENT

Gregory Elliott
Jeffrey Taylor

DEQ STAFF PRESENT

Kendal Stegmann
Beverly Botchlet-Smith
Lee Warden
Melanie Foster
Tom Richardson
Brooks Kirlin
Phillip Fielder
Carrie Schroeder
Travis Couch
Joe Daniel
Austin Sides
Heather Lerch
Dara Schultz
Christina Hagens
Madison Miller
Gary Henry
Ryan Biggerstaff
Eli Klimek
Mark Hildebrand
Chris Robinson
Jared Milano
Malcolm Zachariah
Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the October 17, 2024 Regular Meeting. Mr. Keele moved to approve and Dr. Thayer made the second.

See transcript page 2 – 3

Matt Caves	Yes	Michael Thayer	Yes
James Farrell	Yes	Jefferson Wilber	Yes
Garry Keele	Yes	Laura Lodes	Yes
John Privrat	Yes		

Election of Officers – Mr. Caves nominated Ms. Lodes to remain as Chair and Mr. Keele as Vice-Chair. Mr. Farrell made the second.

	<i>See transcript page 4 – 5</i>			
Matt Caves	Yes	Michael Thayer	Yes	
James Farrell	Yes	Jefferson Wilber	Yes	
Garry Keele	Yes	Laura Lodes	Yes	
John Privrat	Yes			

Public Rulemaking Hearing

Chapter 100. Air Pollution Control

Appendix F. Secondary Ambient Air Quality Standards [AMENDED]

Ms. Christina Hagens, EPS, Rules & Planning Section of the AQD, stated the Department is proposing to amend Appendix F to maintain consistency with the National Ambient Air Quality Standards (NAAQS). The sulfur dioxide (SO₂) secondary standard is being amended to reflect recent changes made by the U.S. Environmental Protection Agency (EPA) in which the 3-hour maximum was changed to an annual arithmetic mean of 10 parts per billion (ppb). Additionally, the secondary standards for particulate matter (PM) and nitrogen dioxide (NO₂) are being amended to match the standards previously set by EPA. The gist of the proposed rule is to ensure Appendix F is consistent with the federal NAAQS. Hearing no questions or comments from the Council and none by the public, Ms. Lodes stated this rule will be carried over to a future meeting and no vote is required at this time.

See transcript page 6 – 11

Chapter 110. LEAD-BASED PAINT MANAGEMENT

Subchapter 3. Definitions

252:110-3-1. [AMENDED]

252:100-3-2. [AMENDED]

Subchapter 5. Incorporation by Reference

252:110-5-1 [AMENDED]

Subchapter 13. Additional Work Practice Standards

252:110-13-2 [AMENDED]

252:110-13-7 [REVOKED]

Subchapter 15. Additional Renovation, Repair, And Painting (RRP)

Requirements

252:110-15-1 [AMENDED]

Mr. Brooks Kirlin, P.E., Rules & Planning Section of the AQD, stated that the Department is proposing to amend Oklahoma Administrative Code (OAC) 252:110, Lead-Based Paint Management, to update the incorporation by reference section (252:110-5-1), to remove section 252:110-13-7. Clearance levels, and to make minor terminology revisions in sections 252:110-3-1, 252:110-3-2, 252:110-13-2, and 252:110-15-1. The proposed updates are necessary to remain consistent with the EPA's updated Lead-Based Paint (LBP) program requirements and maintain EPA approval for Oklahoma's LBP program. Section 252:110-13-7 is unnecessary following incorporation by reference of updated corresponding federal LBP requirements. 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. Hearing no questions or comments from the

Council and none by the public, Ms. Lodes called for a motion to approve the rule change as presented, Dr. Thayer moved to approve and Mr. Keele made the second.

See transcript pages 11 - 21

Matt Caves	Yes	Michael Thayer	Yes
James Farrell	Yes	Jefferson Wilber	Yes
Garry Keele	Yes	Laura Lodes	Yes
John Privrat	Yes		

Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting.

See transcript page 21

Division Director's Report – Ms. Kendal Stegmann, Division Director of the AQD, provided an update on other Division activities.

New Business – None

Adjournment – The next regular meeting is scheduled for Thursday, October 16, 2025 in Oklahoma City, Oklahoma. Ms. Lodes called for a motion to adjourn the meeting, Mr. Caves moved to adjourn and Dr. Thayer made the second. Meeting adjourned at 9:34 a.m.

Matt Caves	Yes	Michael Thayer	Yes
James Farrell	Yes	Jefferson Wilber	Yes
Garry Keele	Yes	Laura Lodes	Yes
John Privrat	Yes		

Transcript and attendance sheet becomes an official part of these Minutes.

<p>Page 1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p>9 AIR QUALITY ADVISORY COUNCIL MEETING</p> <p>10 ON JULY 30, 2025 AT 9:00 A.M.</p> <p>11 IN OKLAHOMA CITY, OKLAHOMA</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Abby Rhodes, CSR, RPR</p>	<p>Page 3</p> <p>1 regarding the minutes from our last meeting?</p> <p>2 Seeing no questions or comments, do we have</p> <p>3 a motion to approve the minutes?</p> <p>4 VICE CHAIRPERSON MR. KEELE: Make a motion</p> <p>5 to approve.</p> <p>6 CHAIRPERSON MS. LODES: Do I have a second?</p> <p>7 DR. THAYER: Second.</p> <p>8 CHAIRPERSON MS. LODES: I have a motion and</p> <p>9 a second.</p> <p>10 Please call roll.</p> <p>11 MS. FIELDS: Mr. Caves?</p> <p>12 MR. CAVES: Yes.</p> <p>13 MS. FIELDS: Mr. Farrell?</p> <p>14 MR. FARRELL: Yes.</p> <p>15 MS. FIELDS: Mr. Keele?</p> <p>16 VICE CHAIRPERSON MR. KEELE: Yes.</p> <p>17 MS. FIELDS: Mr. Privrat?</p> <p>18 MR. PRIVRAT: Yes.</p> <p>19 MS. FIELDS: Dr. Thayer?</p> <p>20 DR. THAYER: Yes.</p> <p>21 MS. FIELDS: Mr. Wilber?</p> <p>22 MR. WILBER: Yes.</p> <p>23 MS. FIELDS: Ms. Lodes?</p> <p>24 CHAIRPERSON MS. LODES: Yes.</p> <p>25 MS. FIELDS: Motion passed.</p>
<p>Page 2</p> <p>1 CHAIRPERSON MS. LODES: I'd like to call to</p> <p>2 order today's meeting of the Air Quality Advisory</p> <p>3 Council.</p> <p>4 Quiana, would you please call roll.</p> <p>5 MS. FIELDS: Mr. Caves?</p> <p>6 MR. CAVES: Here.</p> <p>7 MS. FIELDS: Mr. Elliott is absent.</p> <p>8 Mr. Farrell?</p> <p>9 MR. FARRELL: Here.</p> <p>10 MS. FIELDS: Mr. Keele?</p> <p>11 VICE CHAIRPERSON MR. KEELE: Here.</p> <p>12 MS. FIELDS: Mr. Privrat?</p> <p>13 MR. PRIVRAT: Here.</p> <p>14 MS. FIELDS: Mr. Taylor is absent.</p> <p>15 Dr. Thayer?</p> <p>16 DR. THAYER: Here.</p> <p>17 MS. FIELDS: Mr. Wilber?</p> <p>18 MR. WILBER: Here.</p> <p>19 MS. FIELDS: Ms. Lodes?</p> <p>20 CHAIRPERSON MS. LODES: Here.</p> <p>21 MS. FIELDS: We have a quorum.</p> <p>22 CHAIRPERSON MS. LODES: Thank you.</p> <p>23 The next item on today's agenda is approval</p> <p>24 of minutes from the October 17, 2024, regular meeting.</p> <p>25 Do we have any questions or comments</p>	<p>Page 4</p> <p>1 CHAIRPERSON MS. LODES: Thank you.</p> <p>2 The next item on today's agenda is election</p> <p>3 of officers. Even though we're all the way into July,</p> <p>4 we need officers for this year, a chair and a vice</p> <p>5 chair.</p> <p>6 MR. CAVES: I would love to make the motion</p> <p>7 to nominate Ms. Lodes as chair and Mr. Keele as vice</p> <p>8 chair.</p> <p>9 CHAIRPERSON MS. LODES: Thank you.</p> <p>10 MR. FARRELL: Second.</p> <p>11 CHAIRPERSON MS. LODES: I have a motion and</p> <p>12 a second. Please call roll.</p> <p>13 MS. FIELDS: Mr. Caves?</p> <p>14 MR. CAVES: Yes.</p> <p>15 MS. FIELDS: Mr. Farrell?</p> <p>16 MR. FARRELL: Yes.</p> <p>17 MS. FIELDS: Mr. Keele?</p> <p>18 VICE CHAIRPERSON MR. KEELE: Yes.</p> <p>19 MS. FIELDS: Mr. Privrat?</p> <p>20 MR. PRIVRAT: Yes.</p> <p>21 MS. FIELDS: Dr. Thayer?</p> <p>22 DR. THAYER: Yes.</p> <p>23 MS. FIELDS: Ms. Lodes?</p> <p>24 MR. WILBER: Yes.</p> <p>25 CHAIRPERSON MS. LODES: Yes.</p>

<p>Page 5</p> <p>1 MS. FIELDS: Mr. Wilber?</p> <p>2 MR. WILBER: Oh, yes.</p> <p>3 MS. FIELDS: I'm sorry.</p> <p>4 Motion passed.</p> <p>5 CHAIRPERSON MS. LODES: Thank you.</p> <p>6 Appreciate that.</p> <p>7 MR. FARRELL: Congratulations.</p> <p>8 CHAIRPERSON MS. LODES: We will now enter</p> <p>9 the public hearing portion.</p> <p>10 Beverly?</p> <p>11 MS. BOTCHLET-SMITH: Good morning. I'm</p> <p>12 Beverly Botchlet-Smith, I'm the assistant director of</p> <p>13 the Air Quality Division, and I'll serve as protocol</p> <p>14 officer for today's hearings. The hearings will be</p> <p>15 convened by the Air Quality Council in compliance with</p> <p>16 the Oklahoma Administrative Procedures Act in Title 40</p> <p>17 of the Code of Federal Regulations, part 51 as well as</p> <p>18 the authority of Title 27A of the Oklahoma statutes,</p> <p>19 Section 2-2-201 and Sections 2-5-101 through 2-5-117.</p> <p>20 Notice of the July 30, 2025, hearings were</p> <p>21 advertised in the Oklahoma Register for the purpose of</p> <p>22 receiving comments pertaining to the proposed OAC</p> <p>23 Title 252 Chapter 100 rules as listed on the agenda</p> <p>24 and will be entered into each record along with the</p> <p>25 Oklahoma Register filing. Notice of the meeting was</p>	<p>Page 7</p> <p>1 published in the Oklahoma Register on June 16th and</p> <p>2 written comments from the public and other interested</p> <p>3 parties were requested in the notice and no written</p> <p>4 comments have been received as of today.</p> <p>5 What originally precipitated this rulemaking</p> <p>6 was a revision of the Secondary National Ambient Air</p> <p>7 Quality Standards, or NAAQS, by EPA on December 10,</p> <p>8 2024. This action revised the secondary standards for</p> <p>9 oxides of sulfur, or SOx, and retained the existing</p> <p>10 secondary standards for oxides of nitrogen, or NOx,</p> <p>11 and particulate matter, or PM. EPA also revised the</p> <p>12 data handling requirements for the secondary SO2</p> <p>13 NAAQS. This revised standard is calculated as an</p> <p>14 annual average over three consecutive years with a</p> <p>15 level of ten parts per billion, or ppb. This final</p> <p>16 rule was published on December 27, 2024, and went into</p> <p>17 effect January 27, 2025.</p> <p>18 Now, recently, on July 17th, DEQ staff was</p> <p>19 notified by EPA that in their final ruling, they did</p> <p>20 not, in fact, revoke the existing three-hour maximum</p> <p>21 standard for SO2 and, thus, it remains in effect.</p> <p>22 This three-hour max standard was last retained without</p> <p>23 revision in 2012, matching the standard that was first</p> <p>24 set in 1971. This means that both the original</p> <p>25 three-hour max and the new annual average standards</p>
<p>Page 6</p> <p>1 filed with the Secretary of State on October 24, 2024,</p> <p>2 and amended on May 15, 2025. The agenda was duly</p> <p>3 posted 24 hours prior to the meeting here at DEQ.</p> <p>4 If you wish to make a statement, it's very</p> <p>5 important for you to complete the form at the</p> <p>6 registration table and you'll be called upon at the</p> <p>7 appropriate time. Audience members, please come to</p> <p>8 the podium for your comments and please state your</p> <p>9 name.</p> <p>10 At this time, we'll proceed with what's</p> <p>11 marked as agenda item 5A of -- on our hearing agenda.</p> <p>12 This is Chapter 100, Air Pollution Control, Appendix</p> <p>13 F, Secondary Ambient Air Quality Standards as Amended.</p> <p>14 A presentation on this will be done by Christina</p> <p>15 Hagens who is an Environmental Programs Specialist in</p> <p>16 our Rules & Planning Section.</p> <p>17 MS. HAGENS: Thank you.</p> <p>18 Good morning, Madam Chair, members of the</p> <p>19 Council, and everyone in attendance today. My name is</p> <p>20 Christina Hagens and I am an Environmental Programs</p> <p>21 Specialist in the Rules & Planning Section, and this</p> <p>22 morning, I'll be presenting our proposed rule</p> <p>23 changes to OAC 252 Chapter 100, Appendix F - Secondary</p> <p>24 Ambient Air Quality Standards.</p> <p>25 A notice of the proposed changes was</p>	<p>Page 8</p> <p>1 remain in federal regulations.</p> <p>2 As you can see in this snapshot, both on the</p> <p>3 right -- in the recent final ruling, EPA did not</p> <p>4 intend to keep both the existing three-hour max for</p> <p>5 secondary SO2 standard. As you can see in the quote,</p> <p>6 "the Administrator concluded that the current</p> <p>7 three-hour secondary SO2 standard is not requisite...</p> <p>8 and that it should be revised to an annual average."</p> <p>9 Now, regardless of intent, both standards</p> <p>10 are currently in the federal regulations. With this</p> <p>11 new information brought to our attention, DEQ needs</p> <p>12 more time to determine how best to proceed with this</p> <p>13 rule, as well as allow the public appropriate time to</p> <p>14 review and comment on any additional changes. That</p> <p>15 being said, I will continue to run through the</p> <p>16 proposed changes to Appendix F as that is what is</p> <p>17 before us today.</p> <p>18 So this slide shows Appendix F as it</p> <p>19 currently appears on the left and what was proposed on</p> <p>20 the right, and all of the changes between the two</p> <p>21 versions are circled. EPA retained the NOx and PM</p> <p>22 secondary standards without revision; however, you</p> <p>23 will see that these numbers did change. This</p> <p>24 discrepancy is likely due to previous ongoing</p> <p>25 litigation which prompted staff at the time to wait</p>

<p>Page 9</p> <p>1 until this litigation concluded before proceeding with 2 our rules changes. So that's where the PM values for 3 the 24-hour max come from. Additionally, the NOx unit 4 was updated to maintain consistency with the primary 5 NAAQS. So that's why on the right, it says 53 ppb and 6 on the left, .053 ppm.</p> <p>7 The SO2 changes were prompted by the 2024 8 revisions so that's where that 10 ppb comes from.</p> <p>9 Carbon monoxide and ozone have no changes between the 10 versions. And last but not least, the footnotes and 11 the rows were cleaned up. We removed the empty rows, 12 for the one-hour and three-hour max as you can see on 13 the right, and in the footnotes, the pollutant names 14 were added so it is easier to read.</p> <p>15 These rule changes are primarily for federal 16 consistency and legibility. There are no concerns 17 about the impact of these changes as we are currently 18 in attainment and anticipate staying in attainment.</p> <p>19 There are no expected changes to our monitor 20 operations as a result of this rule change as we have 21 always been operating under the correct standards, 22 despite that not always being reflected in Appendix F.</p> <p>23 As with any change to the NAAQS, the state 24 governor is required to submit initial designation 25 recommendations no later than one year from</p>	<p>Page 11</p> <p>1 TRAVIS COUCH: You don't need a motion. 2 CHAIRPERSON MS. LODES: We don't need a 3 motion to do anything on it? Okay.</p> <p>4 MS. BOTCHLET-SMITH: Okay. Well, let's move 5 to the next agenda item. That would be SB. That's 6 Chapter 110, Lead Based Paint Management, Subchapter 7 3, Definitions, 252:110-3-1 amended, 252:110-3-2 8 amended, also Subchapter 5, Incorporation by 9 Reference, this is 252:110-5-1 amended, Subchapter 13, 10 Additional Work Practice Standards, 252:110-13-2, 11 252:110-13-7 which is being noted as revoked and 12 amended on 13-2, and finally, Subchapter 15, 13 Additional Renovation, Repair, and Painting, or RRP 14 Requirements, this is 252:110-15-1 as amended, and Mr. 15 Brooks Kirlin, professional engineer in Rules & 16 Planning, will be doing the presentation today.</p> <p>17 Brooks?</p> <p>18 MR. KIRLIN: Thank you, Beverly. Good 19 morning, Madam Chair, members of the Council, and 20 ladies and gentlemen. As she stated, I am Brooks 21 Kirlin. I'm an engineer with Air Quality's Rules & 22 Planning Section. The department is proposing to 23 amend several subchapters in Chapter 110, Lead-Based 24 Paint Management, including the Renovation, Repair, 25 and Painting rule, or RRP rule. Please note that your</p>
<p>Page 10</p> <p>1 promulgation, which for this would be December 11th of 2 2025. DEQ expects the governor to recommend that all 3 77 counties be designated as attainment/unclassifiable 4 for the revised secondary annual SO2 standard. This 5 recommendation is informed by three years of certified 6 monitoring data from 2022 through 2024. All 7 DEQ-operated SO2 regulatory monitors in the State of 8 Oklahoma have monitored SO2 levels that attain the 9 2024 10 ppb secondary standard.</p> <p>10 With this discrepancy of the SO2 secondary 11 standard in the federal regulations recently brought 12 to our attention, DEQ needs more time to determine the 13 next steps while allowing the public adequate time to 14 review and comment. And thus, staff requests the 15 council not vote on those proposed rule changes until 16 a future council meeting. Thank you.</p> <p>17 MS. BOTCHLET-SMITH: Do we have any 18 questions from the Council?</p> <p>19 Seeing none, I hadn't received a notice that 20 anyone in the public wanted to speak, but if you do 21 so, would you please raise your hand.</p> <p>22 Seeing none, Laura, is there any questions 23 by the Council or...</p> <p>24 CHAIRPERSON MS. LODES: We just need the 25 motion to say to carry it to a future meeting; right?</p>	<p>Page 12</p> <p>1 folder contains -- your folder today contains a 2 version of today's proposal with a minor but important 3 change from the version in your Council packet, so 4 please use that version as you follow along with my 5 presentation.</p> <p>6 I will point the version out -- I will point 7 out the change momentarily. We didn't print paper 8 copies of the folder version for the public, but a 9 copy has been posted under the rulemaking tab on 10 today's council meeting web page. The QR code on your 11 agenda will take you to that page, in case you hadn't 12 realized.</p> <p>13 U.S. Environmental Protection Agency 14 delegated the federal lead-based paint and RRP 15 programs to the state. The federal program rules -- 16 federal program rules in 40 CFR Part 745 establish 17 standards with accreditation, training, certification, 18 and recordkeeping requirements for persons performing 19 lead-based paint abatement projects and other 20 renovations for compensation in housing built before 21 1978, referred to as target housing and child-occupied 22 facilities.</p> <p>23 The Lead-Based Paint, or LBP program, is 24 critical because there is no safe level of exposure to 25 lead, and many of those who are most likely to be</p>


<p style="text-align: right;">Page 13</p> <p>1 exposed are members of disadvantaged communities and</p> <p>2 are the most vulnerable to its effects, young children</p> <p>3 living or being cared for in older housing or other</p> <p>4 facilities.</p> <p>5 The primary purpose of today's proposal --</p> <p>6 of proposed rulemaking is to update the state rules in</p> <p>7 line with changes to the federal lead-based paint</p> <p>8 poisoning prevention requirements. The revised</p> <p>9 federal rule, recognizing that there is -- recognizing</p> <p>10 that there is no safe level of exposure to lead,</p> <p>11 replaced the previous numerical "dust-lead hazard</p> <p>12 standards" with "dust-lead reportable levels," or</p> <p>13 DLRLs, that considers dust-lead to be hazardous at</p> <p>14 "any reportable level" measured by an EPA recognized</p> <p>15 laboratory.</p> <p>16 Likewise, the rule replaces the previous</p> <p>17 "dust-lead clearance levels," that is, the amount of</p> <p>18 lead that may safely remain in dust after a lead paint</p> <p>19 abatement occurs, with "dust-lead action levels," or</p> <p>20 "DLALs," as the level at which it is recommended to</p> <p>21 take action towards reducing dust-lead hazards. These</p> <p>22 actions -- these action levels are set at five</p> <p>23 micrograms per square foot for floors, 40 micrograms</p> <p>24 per square foot for window sills, and 100 micrograms</p> <p>25 per foot -- per square foot for window troughs.</p>	<p style="text-align: right;">Page 15</p> <p>1 January 13, 2025, the effective date of EPA's changes.</p> <p>2 Today, we are proposing July 9, 2025, as the</p> <p>3 incorporation date instead, as highlighted here.</p> <p>4 This is because EPA has published two</p> <p>5 correction notices since the rule -- rule changes were</p> <p>6 published in the Federal Register last November. The</p> <p>7 first correction notice appeared on December 16th, so</p> <p>8 those corrections also went into effect on</p> <p>9 January 13th of this year. The second correction was</p> <p>10 published and it became effective three weeks ago</p> <p>11 today, on July 9th. The latter correction restored</p> <p>12 some regulatory text that was inadvertently deleted in</p> <p>13 the November Federal Register notice. Our LBP staff</p> <p>14 reviewed the correction and concluded, we want to make</p> <p>15 sure that that language is IBR'd in our rule.</p> <p>16 Staff believe that -- this is -- staff</p> <p>17 believe that it is appropriate to use its effective</p> <p>18 date as the incorporation date, the effective date for</p> <p>19 the last correction. Section 5-1 would then state</p> <p>20 that "The following Sections of 40 CFR Part 745, as</p> <p>21 they exist on July 9, 2025, are, unless otherwise</p> <p>22 specified, incorporated by reference in their</p> <p>23 entirety."</p> <p>24 This is followed by paragraphs that list the</p> <p>25 sections that are incorporated, and any portions of</p>
<p style="text-align: right;">Page 14</p> <p>1 While the changes to the federal rules</p> <p>2 became effective in January of this year, the new</p> <p>3 dust-lead reportable and action levels go into effect</p> <p>4 in January of 2026. Note that changes to Chapter 110</p> <p>5 are not expected to go final until September of</p> <p>6 2027 -- yeah, 2026. Delegated states are required to</p> <p>7 demonstrate compliance with the updated federal</p> <p>8 requirements by January 11, 2027, which DEQ plans to</p> <p>9 accomplish with this rule revision.</p> <p>10 EPA revised the definition of "target</p> <p>11 housing" to create consistency across other federal</p> <p>12 regulations and to include zero-bedroom housing, and</p> <p>13 also finalized several other, primarily</p> <p>14 administrative, amendments.</p> <p>15 To implement these changes to the federal</p> <p>16 program -- these changes to the federal program in</p> <p>17 DEQ's Chapter 110, today's proposal would update the</p> <p>18 incorporation by reference in Section 5-1, remove</p> <p>19 Section 13-7, and make minor terminology revisions in</p> <p>20 Sections 3-1, 3-2, 13-2, and 15-1.</p> <p>21 The program update will be accomplished</p> <p>22 primarily by changing the incorporation by reference</p> <p>23 date in Section 252:110-5-1. And here's where the</p> <p>24 folder version of the proposal comes in. We had</p> <p>25 proposed to change the incorporation date to</p>	<p style="text-align: right;">Page 16</p> <p>1 those sections that are excluded from the</p> <p>2 incorporation. We propose to exclude a new definition</p> <p>3 of "electronic" that EPA inserted in Sections 745.83</p> <p>4 and 745.223 which I'll touch on in a moment. The</p> <p>5 exclusion of 40 CFR Section 745.226(a)(2) in our -- in</p> <p>6 our subparagraph (3)(A) is no longer needed because</p> <p>7 EPA has deleted that provision from their rules, so it</p> <p>8 doesn't need to be excluded anymore.</p> <p>9 And besides updating the incorporation date,</p> <p>10 perhaps the most significant change to the</p> <p>11 incorporation by reference -- by reference section</p> <p>12 would be removing the exclusion of the clearance</p> <p>13 levels in Section 745.227(e)(8)(viii). Since EPA is</p> <p>14 moving from their previous dust-lead clearance levels</p> <p>15 to the new dust-lead action levels, our previous</p> <p>16 exclusion from incorporation is no longer needed. Nor</p> <p>17 are the replacement clearance levels in Section</p> <p>18 110-13-7.</p> <p>19 Just a little background on Section 13-7 may</p> <p>20 be helpful. Some may recall that our last update to</p> <p>21 Chapter 110, which became effective in September of</p> <p>22 2021, was prompted by EPA lowering the dust-lead</p> <p>23 hazard levels in response to a court decision.</p> <p>24 However, neither the court decision nor EPA's rule</p> <p>25 change addressed clearance levels. There was a</p>

<p>Page 17</p> <p>1 concern that an abatement program or project in</p> <p>2 Oklahoma could remove the bulk of the old lead-based</p> <p>3 paint but leave behind dust levels that are harmful.</p> <p>4 While AQD was in the midst of the rulemaking</p> <p>5 process required to update and submit our program</p> <p>6 changes to EPA -- while AQD was in the midst of the</p> <p>7 rulemaking process required to update and submit our</p> <p>8 program changes to EPA by a January 6, 2022, deadline,</p> <p>9 EPA proposed to lower the dust-lead clearance levels.</p> <p>10 However, EPA would not finalize them in time to update</p> <p>11 our rules a second time and to submit before our</p> <p>12 deadline. Therefore, AQD proposed and the Council and</p> <p>13 EQB approved to add a new Section 110-13-7 which</p> <p>14 parallels EPA's proposed dust-lead clearance levels,</p> <p>15 rather than leaving EPA's old clearance levels</p> <p>16 incorporated by reference.</p> <p>17 So now that EPA has updated their approach</p> <p>18 and issued dust-lead action levels that are at or</p> <p>19 lower than the clearance levels listed in Section</p> <p>20 110-13-7, that section is no longer needed and should</p> <p>21 be revoked. And the exclusion of -- in Section</p> <p>22 110-5-10(4)(c) should also be deleted.</p> <p>23 Now I'll quickly go through the additional,</p> <p>24 less significant proposed changes. A quick reminder</p> <p>25 that we've proposed to exclude a new EPA definition of</p>	<p>Page 19</p> <p>1 in 40 CFR Part 745 to include all of DEQ's acceptable</p> <p>2 submittal methods.</p> <p>3 In case someone were to look for</p> <p>4 "electronic" in our Definitions section, we propose to</p> <p>5 add a note referring to them -- referring them to the</p> <p>6 terminology in Section 3-2.</p> <p>7 In Subchapter 13, Section 13-2, we are</p> <p>8 proposing to update the term "clearance testing</p> <p>9 results" to "abatement-related testing results,"</p> <p>10 consistent with EPA's approach. And, of course, the</p> <p>11 other change to Subchapter 13 is to revoke Section</p> <p>12 13-7.</p> <p>13 In Subchapter 15, which is Additional RRP</p> <p>14 Requirements, Section 15-1, we are proposing to</p> <p>15 correct the rule references for other definitions that</p> <p>16 apply, and to insert a missing space. We are</p> <p>17 proposing to -- also proposing to delete the</p> <p>18 definition of "child-occupied facility" since EPA's</p> <p>19 revisions corrected inconsistencies in the federal</p> <p>20 rules, and DEQ can now rely on the rules incorporated</p> <p>21 by reference. And because EPA also added a definition</p> <p>22 of "electronic" to its RRP-related rules, we are</p> <p>23 proposing to add a reference to Section 3-2 for the</p> <p>24 term's usage.</p> <p>25 Sorry. Notice of the proposed rule changes</p>
<p>Page 18</p> <p>1 "electronic" in sections 745.83 and 745.223 from the</p> <p>2 incorporation by reference.</p> <p>3 Back on page 1 of the proposed rules, we've</p> <p>4 added "electronic" -- references to "electronic" to</p> <p>5 the definitions and terminology in Sections 3-1 and</p> <p>6 3-2. And I apologize for trying to squeeze way too</p> <p>7 much on this slide, but it might help locate the</p> <p>8 proposed changes in your copy.</p> <p>9 In the bottom box, you can see one of the</p> <p>10 two places where EPA defined "electronic" in terms</p> <p>11 that are very specific to their method of electronic</p> <p>12 submission. Below that is an example of how EPA's</p> <p>13 rulemaking also inserted the term "electronic,"</p> <p>14 "electronic" throughout Part 745, thereby requiring</p> <p>15 electronic submission of documentation directly to EPA</p> <p>16 using EPA's specific electronic submittal system to</p> <p>17 the exclusion of submitting paper copies, payments, et</p> <p>18 cetera.</p> <p>19 This is appropriate for states where EPA</p> <p>20 directly implements the lead-based paint and</p> <p>21 renovation programs. However, since DEQ administers</p> <p>22 the programs in Oklahoma, we propose to exclude EPA's</p> <p>23 definition of "electronic" from incorporation by</p> <p>24 reference, and instead state in Section 110-3-2 that</p> <p>25 Oklahoma would interpret that term wherever it appears</p>	<p>Page 20</p> <p>1 was published in the Oklahoma Register on June 16,</p> <p>2 2025, and comments were requested from members of the</p> <p>3 public. No comments on the proposal have been</p> <p>4 received. This is the first time that this proposal</p> <p>5 has been presented to the Council for consideration.</p> <p>6 We are requesting that the Council recommend the</p> <p>7 proposed changes to Chapter 110, as reflected in</p> <p>8 today's version, folder version, to the Environmental</p> <p>9 Quality Board for adoption as a permanent rule.</p> <p>10 The Department believes it is important to</p> <p>11 move the proposal forward since, as I mentioned, DEQ</p> <p>12 must demonstrate to the EPA by January 11, 2027, that</p> <p>13 their new requirements have been incorporated into our</p> <p>14 program.</p> <p>15 Thank you.</p> <p>16 MS. BOTCHLET-SMITH: Do we have any</p> <p>17 questions from the Council?</p> <p>18 Seeing none, I also did not receive notice</p> <p>19 of comment from the public on this rule.</p> <p>20 If there's anyone who now has a question,</p> <p>21 would you please raise your hand.</p> <p>22 Seeing none, I don't believe we have any</p> <p>23 questions, so opportunity for further discussion of</p> <p>24 the Council or a motion.</p> <p>25 CHAIRPERSON MS. LODES: Do we have a motion</p>

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1 to approve the rule change as presented today with the
2 supplemental in our packets?
3 DR. THAYER: Make a motion to accept as per
4 the rule changes in the packet.
5 VICE CHAIRPERSON MR. KEELE: Second.
6 CHAIRPERSON MS. LODES: I have a motion and
7 a second. Please call roll.
8 MS. FIELDS: Mr. Caves?
9 MR. CAVES: Yes.
10 MS. FIELDS: Mr. Farrell?
11 MR. FARRELL: Yes.
12 MS. FIELDS: Mr. Keele?
13 VICE CHAIRPERSON MR. KEELE: Yes.
14 MS. FIELDS: Mr. Privrat?
15 MR. PRIVRAT: Yes.
16 MS. FIELDS: Dr. Thayer?
17 DR. THAYER: Yes.
18 MS. FIELDS: Mr. Wilber?
19 MR. WILBER: Yes.
20 MS. FIELDS: Ms. Lodes?
21 CHAIRPERSON MS. LODES: Yes.
22 MS. FIELDS: Motion passed.
23 MS. BOTCHLET-SMITH: This concludes the
24 hearing portion of today's meeting.
25

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1 CERTIFICATE
2 STATE OF OKLAHOMA)
3) SS:
4 COUNTY OF OKLAHOMA)
5
6 I, Abby Rhodes, CSR, RPR, do hereby certify
7 that on July 30, 2025, at the Department of
8 Environmental Quality, Oklahoma City, Oklahoma, that
9 the foregoing pages constitute a full, true, and
10 correct transcript of the meeting on the date as
11 indicated.
12 I do further certify that I am not counsel,
13 attorney, or relative of either party, or otherwise
14 interested in the event of this suit.
15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and affixed my seal at my office in Oklahoma City
17 Oklahoma County, Oklahoma, this 30th day of July,
18 2025.
19 
20 _____
21 Abby Rhodes, CSR, RPR
22 CSR No. 1939.
23
24
25



**OKLAHOMA
Environmental
Quality**

AIR QUALITY ADVISORY COUNCIL

Attendance Record

July 30, 2025

Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

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Mike Thayer AQAC-OSH

Kandal Stegmann AQD

Jeremy Jewell Trinity

Sean Walker ET

Laura Lodes AQC

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LEE WARREN AQD

Carrie Schroeder AQD

Meliana Fields DEQ

Beverly Botchlet Smith DEQ

Tom Richardson DEQ

Travis Couch DEQ

Joe Daniel DEQ

Malcolm Zachariah DEQ

Austin Sides DEQ

Matt Caves AQC

Heather Lerch AQD

Bad Ground EFO

Jeff Pearl SCS

Phillip Fields AQD

Jeff W... Council Member

John Prioret AQAC

Jim Farrell AQAC

Marla Peek OK Farm Bureau

Jeff Everett OGE



**OKLAHOMA
Environmental
Quality**

AIR QUALITY ADVISORY COUNCIL

Attendance Record

July 30, 2025

Oklahoma City, Oklahoma

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Brooks Kirlin	DEQ	
Morgan Miller	DEQ	
GARY HEALIN	DEQ	
Ryan Biggers	DEQ	
Eli Kline	DEQ	
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