

**MINUTES**  
**AIR QUALITY ADVISORY COUNCIL**  
**October 16, 2025**  
**Department of Environmental Quality**  
**707 North Robinson Avenue**  
**Oklahoma City, Oklahoma**

**Official AQAC Approved  
at April 22, 2026 Meeting**

**Notice of Public Meeting** – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 16, 2025. Notice of the meeting was forwarded to the Office of Secretary of State on October 24, 2024. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Melanie Foster 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**

Gregory Elliott  
James Farrell  
Garry Keele  
John Privrat  
Jeffrey Taylor  
Michael Thayer  
Jefferson Wilber  
Laura Lodes

**MEMBERS ABSENT**

Matt Caves

**DEQ STAFF PRESENT**

Kendal Stegmann  
Melanie Foster  
Jared Milano  
Christina Hagens  
Tom Richardson  
Cheryl Bradley  
Lee Warden  
Austin Sides  
Rick Groshong  
Ivan Ma  
Gary Henry  
Ryan McIntosh  
Jonathan Allen  
Camas Frey  
Carrie Schroeder  
Sidonie Quick  
Alexander Teets  
Travis Couch  
Joe Daniel  
Phillip Fielder  
Isabella Moreno  
Malcolm Zachariah  
Quiana Fields

**Approval of Minutes** – Ms. Lodes called for a motion to approve the Minutes of the July 30, 2025 Regular Meeting. Dr. Thayer moved to approve and Mr. Keele made the second.

*See transcript page 3 - 4*

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privrat	Yes	Laura Lodes	Yes

**Meeting Schedule for Calendar Year 2026** – Ms. Lodes stated that we are adjusting the time to 9:30 a.m. for the upcoming Council meetings and the proposed meeting scheduled dates are: April 22 in Oklahoma City, July 22 in Tulsa and December 9 in Oklahoma City. Mr. Taylor moved to approve and Mr. Keele made the second.

	<i>See transcript page 4 – 6</i>			
Gregory Elliott	Yes	Jeffrey Taylor	Yes	
James Farrell	Yes	Michael Thayer	Yes	
Garry Keele	Yes	Jefferson Wilber	Yes	
John Privrat	Yes	Laura Lodes	Yes	

**Public Rulemaking Hearing**

**Chapter 100. Air Pollution Control**

**Subchapter 2. Incorporation by Reference [AMENDED]**

**Appendix Q. Incorporation by Reference [AMENDED]**

Mr. Jared Milano, EPS, Rules & Planning Section of the AQD, stated the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations. The Department is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to EPA regulation. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes or additions to 40 C.F.R. Part 60, New Source Performance Standards (NSPS), 40 C.F.R. Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. Hearing a question by the Council and none by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve the rule and Mr. Taylor made the second.

	<i>See transcript pages 7 – 10</i>			
Gregory Elliott	Yes	Jeffrey Taylor	Yes	
James Farrell	Yes	Michael Thayer	Yes	
Garry Keele	Yes	Jefferson Wilber	Yes	
John Privrat	Yes	Laura Lodes	Yes	

**Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]**

- 252:100-11-1 [REVOKED]**
- 252:100-11-2 [REVOKED]**
- 252:100-11-3 [REVOKED]**
- 252:100-11-4 [REVOKED]**
- 252:100-11-5 [REVOKED]**
- 252:100-11-6 [REVOKED]**
- 252:100-11-7 [REVOKED]**

**Subchapter 33. Control of Emissions of Nitrogen Oxides [REVOKED]**

- 252:100-33-1 [REVOKED]**
- 252:100-33-1.1 [REVOKED]**
- 252:100-33-1.2 [REVOKED]**
- 252:100-33-2 [REVOKED]**

Ms. Christina Hagens, EPS, Rules & Planning Section of the AQD, stated that the Department is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as

outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review “agency’s administrative rules to identify costly, ineffective, duplicative, and outdated regulations,” During DEQ’s comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by “streamlining state government” through revocation of unnecessary rules. Hearing questions and comments by the Council and by the public, Ms. Lodes called for a motion. Mr. Farrell moved to approve and Mr. Elliott made the second.

*See transcript pages 10 – 21*

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privat	Yes	Laura Lodes	Yes

**Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program**

**[AMENDED]**

**252:100-49-5 [AMENDED]**

**252:100-49-7 [AMENDED]**

Mr. Tom Richardson, P.E., Rules & Planning Section, AQD, stated that the Department is proposing to amend Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program in OAC 252:100, to implement recent changes to applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et. seq. DEQ and the Oklahoma Tax Commission jointly administer the “Oklahoma Emission Reduction Technology Rebate Program” to provide an incentive for “Emission Reduction Projects” – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Department’s continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislation Session. Hearing no questions or comments by the Council and none by the public, Ms. Lodes called for a motion. Mr. Keele moved to approve and Dr. Thayer made the second.

*See transcript pages 21 – 25*

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privat	Yes	Laura Lodes	Yes

**Ms. Foster announced the conclusion of the hearing portion of the meeting.**

*See transcript page 25*

**Presentation** – Mr. Jonathan Allen, General Counsel of the DEQ gave a presentation on upcoming proposed changes to Chapter 4.

**Presentation** – Ms. Sidonie Quick, Chief Financial Officer of the ASD gave a presentation on the Fiscal Report.

**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 Wednesday, April 22, 2026 in Oklahoma City, Oklahoma. Ms. Lodes called for a motion to adjourn the meeting, Dr. Thayer moved to adjourn and Mr. Keele made the second. Meeting adjourned at 10:02 a.m.

Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Michael Thayer	Yes
Garry Keele	Yes	Jefferson Wilber	Yes
John Privat	Yes	Laura Lodes	Yes

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

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">HEARING AIR QUALITY ADVISORY COUNCIL OCTOBER 16, 2025, 9:00 AM</p> <p>MEMBERS PRESENT Laura Lodes Garry Keele II John Privrat James Farrell Jeffrey Taylor Michael Thayer Gregory Elliott Jefferson Wilber</p> <p>MEMBERS ABSENT Matt Caves</p> <p>REPORTED BY: Jenny Longley, CSR</p>	<p>Page 1</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>The next item on today's agenda is</p> <p>Approval of the Minutes from the July 30, 2025 Regular Meeting. Do we have any comments or discussion on the minutes?</p> <p>Seeing none, do I have a motion to approve the minutes?</p> <p>DR. THAYER: Motion to approve.</p> <p>MR. KEELE: Second.</p> <p>CHAIRWOMAN LODES: I have a motion and a second.</p> <p>Quiana, will you please call roll?</p> <p>CHAIRWOMAN LODES: Mr. Elliott?</p> <p>MR. ELLIOTT: Yes.</p> <p>MS. FIELDS: Mr. Farrell?</p> <p>MR. FARRELL: Yes.</p> <p>MS. FIELDS: Mr. Keele?</p> <p>MR. KEELE: Yes.</p> <p>MS. FIELDS: Mr. Privrat?</p> <p>MR. PRIVRAT: Yes.</p> <p>MS. FIELDS: Mr. Taylor?</p> <p>MR. TAYLOR: Yes.</p> <p>MS. FIELDS: Dr. Thayer?</p> <p>DR. THAYER: Yes.</p> <p>MS. FIELDS: Mr. Wilber?</p> <p>MR. WILBER: Yes.</p>	<p>Page 3</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">PROCEEDINGS</p> <p>CHAIRWOMAN LODES: I'd like to bring today's Regular Meeting of the Air Quality Advisory Council to order.</p> <p>Quiana, will you please call roll?</p> <p>MS. FIELDS: Yes.</p> <p>Mr. Caves is absent.</p> <p>Mr. Elliott?</p> <p>MR. ELLIOTT: Present.</p> <p>MS. FIELDS: Mr. Farrell?</p> <p>MR. FARRELL: Here.</p> <p>MS. FIELDS: Mr. Keele?</p> <p>MR. KEELE: Here.</p> <p>MS. FIELDS: Mr. Privrat?</p> <p>MR. PRIVRAT: Here.</p> <p>MS. FIELDS: Mr. Taylor?</p> <p>MR. TAYLOR: Here.</p> <p>MS. FIELDS: Dr. Thayer?</p> <p>DR. THAYER: Here.</p> <p>MS. FIELDS: Mr. Wilber?</p> <p>MR. WILBER: Here.</p> <p>MS. FIELDS: Ms. Lodes?</p> <p>CHAIRWOMAN LODES: Here.</p> <p>MS. FIELDS: We have a quorum.</p> <p>CHAIRWOMAN LODES: Thank you.</p>	<p>Page 2</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>MS. FIELDS: Ms. Lodes?</p> <p>CHAIRWOMAN LODES: Yes.</p> <p>MS. FIELDS: Motion passed.</p> <p>CHAIRWOMAN LODES: The next item on today's agenda is the Meeting Schedule for Calendar Year 2026. If y'all will look at it, a couple things to note. One, we're adjusting the time to 9:30 so that it's the same timeframe as the Environmental Quality Board meeting, so figured that gave people 30 more minutes to get in if you're traveling from elsewhere.</p> <p>Also, there's no January meeting on the schedule. Because of the way that EQB and the legislature aligns, it was -- we decided to forego a January meeting and we have an April 22nd meeting; the July 22nd in Tulsa; and then if you'll notice, instead of always being in October, we've moved the meeting to December 9th.</p> <p>That aligns better, gives us more time for the January EQB meeting to be kind of our last-ditch effort for this December meeting. Also, personally, I like the fact that it gets us away from EFO and fall break and some of the issues we always seem to have scheduling in October with it being busy.</p>	<p>Page 4</p>

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1 Are there any questions or  
 2 discussions regarding the proposed meeting schedule?  
 3 Hearing none, do I have a motion to  
 4 approve the proposed meeting schedule for next year?  
 5 MR. TAYLOR: Motion to approve.  
 6 MR. KEELE: Second.  
 7 CHAIRWOMAN LODES: Thank you, I have a  
 8 motion and a second.  
 9 Quiana, will you please call roll?  
 10 MS. FIELDS: Mr. Elliott?  
 11 MR. ELLIOTT: Yes.  
 12 MS. FIELDS: Mr. Farrell?  
 13 MR. FARRELL: Yes.  
 14 MS. FIELDS: Mr. Keele?  
 15 MR. KEELE: Yes.  
 16 MS. FIELDS: Mr. Privrat?  
 17 MR. PRIVRAT: Yes.  
 18 MS. FIELDS: Mr. Taylor?  
 19 MR. TAYLOR: Yes.  
 20 MS. FIELDS: Dr. Thayer?  
 21 DR. THAYER: Yes.  
 22 MS. FIELDS: Mr. Wilber?  
 23 MR. WILBER: Yes.  
 24 MS. FIELDS: Ms. Lodes?  
 25 CHAIRWOMAN LODES: Yes.

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1 MS. FIELDS: Motion passed.  
 2 CHAIRWOMAN LODES: We shall now enter the  
 3 Public Rulemaking portion.  
 4 MS. FOSTER: Thank you, Laura.  
 5 Good morning. I'm Melanie Foster, of  
 6 the Rules & Planning Section of the Air Quality  
 7 Division, and I will serve as today's protocol  
 8 officer for the hearing today.  
 9 The hearings will be convened by the  
 10 Air Quality Council in compliance with the Oklahoma  
 11 Administrative Procedures Act and Title 40 of the  
 12 Code of Federal Regulations, Part 51, as well as the  
 13 authority of Title 27A of the Oklahoma Statutes,  
 14 Section 2-2-201 and Sections 2-5-101 through  
 15 2-5-117.  
 16 Notice of the October 16, 2025  
 17 hearings were advertised in the Oklahoma Register  
 18 for the purpose of receiving comments pertaining to  
 19 the proposed OAC Title 252 Chapter 100 rules as  
 20 listed on the Agenda and will be entered into each  
 21 record along with the Oklahoma Register filing.  
 22 Notice of the Meeting was filed with the Secretary  
 23 of State on October 24, 2024. The Agenda was duly  
 24 posted 24 hours prior to the meeting at DEQ.  
 25 If you wish to make a statement, it

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1 is very important that you complete the form at the  
 2 registration table and you will be called upon at  
 3 the appropriate time. Audience members, please come  
 4 to the podium for your comments and please state  
 5 your name.  
 6 At this time, we will proceed with  
 7 what's marked as Agenda Item No. 5A on the Hearing  
 8 Agenda: Chapter 100, Air Pollution Control;  
 9 Subchapter 2, Incorporation by Reference [Amended];  
 10 Appendix Q, Incorporation by Reference [Amended].  
 11 And Jared Milano will make the staff  
 12 presentation.  
 13 MR. MILANO: Good morning, Council  
 14 Members. My name is Jared Milano, an Environmental  
 15 Programs Specialist with AQD, and I'll be proposing  
 16 changes to Oklahoma Administrative Code Title 252,  
 17 Chapter 100 Subchapter 2 and Appendix Q.  
 18 Okay. So some proposed changes.  
 19 There are several proposed amendments to Subchapter  
 20 2 and Appendix Q, which are listed in your packets.  
 21 But please note one thing, that a  
 22 revised notice was published on October 15, 2025 to  
 23 amend the Environmental Quality Board meeting date.  
 24 And should the Council recommend the proposed  
 25 changes, these rules will be considered by the EQB

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1 in January.  
 2 So DEQ is requesting that the Air  
 3 Quality Advisory Council recommend these proposed  
 4 changes to Subchapter 2 and Appendix Q to the  
 5 Environmental Quality Board for adoption.  
 6 Any questions?  
 7 MS. FOSTER: Thank you, Jared.  
 8 Questions and discussion by the  
 9 Council?  
 10 MR. KEELE: So no new subparts, it's all  
 11 just modifications that they made --  
 12 MR. MILANO: Correct. No new subparts,  
 13 yeah, just amendments to the language.  
 14 MR. KEELE: Thank you.  
 15 MS. FOSTER: Any other questions? Sorry.  
 16 Laura?  
 17 CHAIRWOMAN LODES: It's okay.  
 18 Any questions or comments from the  
 19 Council?  
 20 MS. FOSTER: Okay. Questions, comments or  
 21 discussion by the public? I have not received any  
 22 notifications anybody wants to speak, but if you do,  
 23 please raise your hand and come to the podium.  
 24 Seeing none, I'll ask for discussion  
 25 and action by the Council.

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1 CHAIRWOMAN LODES: Seeing no further  
 2 comments or discussion by the Council, do I have a  
 3 motion to approve Subchapter 2 and Appendix Q as  
 4 presented by the DEQ?  
 5 MR. ELLIOTT: I make that motion.  
 6 MR. TAYLOR: Second.  
 7 CHAIRWOMAN LODES: I have a motion and a  
 8 second.  
 9 Quiana, will you please call roll?  
 10 MS. FIELDS: Mr. Elliott?  
 11 MR. ELLIOTT: Yes.  
 12 MS. FIELDS: Mr. Farrell?  
 13 MR. FARRELL: Yes.  
 14 MS. FIELDS: Mr. Keele?  
 15 MR. KEELE: Yes.  
 16 MS. FIELDS: Mr. Privat?  
 17 MR. PRIVRAT: Yes.  
 18 MS. FIELDS: Mr. Taylor?  
 19 MR. TAYLOR: Yes.  
 20 MS. FIELDS: Dr. Thayer?  
 21 DR. THAYER: Yes.  
 22 MS. FIELDS: Mr. Wilber?  
 23 MR. WILBER: Yes.  
 24 MS. FIELDS: Ms. Lodes?  
 25 CHAIRWOMAN LODES: Yes.

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1 MS. FIELDS: Motion passed.  
 2 MS. FOSTER: All right. Now we will  
 3 proceed with what's marked as Agenda Item 5B on the  
 4 Hearing Agenda. This is Chapter 100, Air Pollution  
 5 Control; Subchapter 11, Alternative Emissions  
 6 Reduction Plans and Authorizations [Revoked], and  
 7 that revokes 252:100-11-1, 252:100-11-2,  
 8 252:100-11-3, 252:100-11-4, 252:100-11-5,  
 9 252:100-11-6, and 252:100-11-7; as well as  
 10 Subchapter 33, Control of Emission of Nitrogen  
 11 Oxides [Revoked] that revokes 252:100-33-1,  
 12 252:100-33-1.1, 252:100-33-1.2, and 252:100-33-2.  
 13 Christina Hagens will make the staff  
 14 presentation.  
 15 MS. HAGENS: Good morning, Madam Chair,  
 16 Members of the Council, and everyone in attendance  
 17 today. My name is Christina Hagens, and I will be  
 18 presenting on the revocation of OAC 252:100-11 and  
 19 OAC 252:100-33. A notice of the rule change was  
 20 published in the Oklahoma Register on September 15,  
 21 2025, and the notice requested written comments from  
 22 the public and other interested parties. No  
 23 comments have been received to date, and please note  
 24 that a revised Notice was published on October 15,  
 25 2025 to amend the EQB meeting date. Should the

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1 Council recommend these proposed changes, these  
 2 rules will be considered by the EQB in January.  
 3 So what initially necessitated this  
 4 rulemaking was a Governor-issued Executive Order.  
 5 On February 3, 2020, Governor Stitt signed Executive  
 6 Order 2020-03, which directed all state agencies to  
 7 review "agency administrative rules to identify  
 8 costly, ineffective, duplicative, and outdated  
 9 regulations". During DEQ's comprehensive rule  
 10 review, Subchapter 11 and Subchapter 33 were both  
 11 identified as being potentially obsolete and  
 12 ineffective.  
 13 I will now go over why each rule was  
 14 identified as such, starting with Subchapter 11,  
 15 Alternative Emission Reduction Plans and  
 16 Authorizations.  
 17 Subchapter 11 provides the mechanism  
 18 by which a facility may be allowed to comply with an  
 19 alternate standard in exchange for an overall  
 20 reduction in emissions. This rule was created to  
 21 allow companies flexibility and cost-effectiveness  
 22 to offset limits on emissions if other processes  
 23 within the facility could reduce emissions more than  
 24 this increase. Subchapter 11 was first published in  
 25 1982, which was before DEQ was even established, and

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1 this rule has been brought before the council a few  
 2 times to be updated for refining language and making  
 3 the program easier to understand and implement.  
 4 So a proposed plan under this rule  
 5 requires a source-specific State Implementation Plan  
 6 - or SIP - revision and approval from the Council.  
 7 Since its inception, there's only been one  
 8 documented use of the Alternative Emissions  
 9 Reduction Plan which was never officially submitted.  
 10 Over these past 43 years this rule was partially  
 11 used once. Subchapter 11 clearly meets the  
 12 Governor's target for rule cleanup so removal of  
 13 this rule would ensure that staff time is not wasted  
 14 on maintaining an obsolete rule that was never truly  
 15 utilized. Revocation would also bring simplicity as  
 16 facilities will be acting on the actual emissions.  
 17 There is no equivalent federal  
 18 regulation to Subchapter 11. This rule was  
 19 initially added to provide facilities flexibility  
 20 and emission reduction by allowing offsets between  
 21 emission points within the facility. The revocation  
 22 of this rule would remove this option of internal  
 23 trading and require facilities to adhere to the  
 24 actual emission point limits as required under their  
 25 permit and as expected by EPA for all individual

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1 permits.

2           And lastly, Subchapter 11 is not

3 currently in our SIP, so removing this rule would

4 not have any impact to the Oklahoma SIP or require a

5 demonstration of any kind.

6           Moving on to Subchapter 33, Control

7 of Emission of Nitrogen Oxides. Subchapter 33 was

8 created to "control the emission of nitrogen oxides

9 from stationary sources to prevent the Oklahoma air

10 quality standards from being exceeded". This rule

11 was first drafted in October of 1971, a time when

12 there was very little federal NOx requirements and

13 Oklahoma was in need of an applicable rule. For

14 context, the first NAAQS and the original six

15 criteria pollutants, were finalized April 30th of

16 1971, which was less than six months prior to when

17 Subchapter 33 was before the public. So we

18 basically had a federal rulemaking and a state

19 rulemaking on NOx happening almost concurrently.

20 Subchapter 33 was sufficient for the time and

21 context of its creation, but over the years the

22 federal NOx research and regulations have continued

23 to develop while the state rule has mostly

24 stagnated.

25           This rule has been amended a few

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1 times over the years for simplicity, clarification,

2 and even as the industrial makeup of Oklahoma has

3 changed. However, this rule remains out of date as

4 many changes were made as needed rather than

5 ensuring that the rule is effectively controlling

6 NOx emissions.

7           Should the revocation be adopted, DEQ

8 will continue to evaluate the need for a new NOx

9 rule in the future especially as it relates to NOx

10 concerns as a precursor to ozone formation.

11           To evaluate the potential impact of

12 the rulemaking, staff reviewed the latest data on

13 applicable facilities. As you can see on this map,

14 there are currently 10 facilities limited by

15 Subchapter 33, which includes 20 affected units.

16 And I will note that the units in Tulsa County,

17 there are two almost overlapping; so that's why if

18 you count it, it should add up to 10, but there are

19 two it's kind of hard to see from here. So "limited

20 by" means that this is the limiting factor for that

21 facility, so in this case Subchapter 33 is providing

22 the backstop emission level.

23           Most of these facilities are

24 operating well below the limit, although DEQ is

25 aware that a couple facilities have had issues

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1 complying with the standard.

2           Removing Subchapter 33 does not mean

3 that these facilities would not have any limit

4 because they are subject to federal standards

5 regardless. Additionally, removal of Subchapter 33

6 would not automatically remove limits that would

7 result in a permit change.

8           So on the map, the counties in green

9 represent the Metropolitan Statistical Areas, or

10 MSAs, and of the identified 10 facilities, seven are

11 within an MSA and the other three are not, but do

12 border the county of one. So of these facilities,

13 only one is located in an area that would not impact

14 an Oklahoma MSA airshed, which is the one down at

15 the very bottom.

16           There are multiple existing federal

17 regulations under New Source Performance Standards,

18 or NSPS, in 40 C.F.R. Part 60 that address

19 activities similar to Subchapter 33. The affected

20 facilities impacted by this rulemaking are subject

21 to the equivalent federal requirements as required

22 under their permit and as required by EPA. Compared

23 to these federal standards, Subchapter 33 does not

24 provide the intended backstop on NOx emissions and

25 has not demonstrated a true benefit to preventing

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1 NOx violations.

2           Now, on the SIP side, a version of

3 Subchapter 33 does exist in the Oklahoma SIP back

4 when NOx revisions were submitted in 2010, but

5 eventually these got caught up in the SIP backlog at

6 EPA. Recently, on September 17, 2025, Secretary

7 Starling submitted a letter to Administrator Mason

8 pulling back these revisions from consideration and

9 preventing EPA from unnecessarily reviewing outdated

10 provisions.

11           If the revocation of Subchapter 33

12 proceeds to the EQB and is accepted, then DEQ will

13 begin work to remove this rule from the SIP through

14 a demonstration of noninterference under Section

15 110(l) of the Clean Air Act. This process will

16 begin with a justification before EPA that DEQ's

17 rulemaking is not interfering with (designated)

18 attainment of the NAAQS or any other applicable

19 requirement of the Clean Air Act. This provision

20 will ensure that we are not harming the NAAQS and

21 that there will be no impact to the airshed as a

22 result of this rulemaking.

23           In summary, both rules were marked

24 for cleanup due to being outdated and ineffective.

25 Subchapter 11 was only partially used once in over

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1 40 years of being effective. Subchapter 33 was  
 2 drafted when Oklahoma needed such a rule, since then  
 3 staff has updated it as needed, but it has not kept  
 4 up with federal rules as they have developed over  
 5 the years.  
 6 And thus, staff requests that the  
 7 council recommend revocation of Subchapter 11 and  
 8 Subchapter 33 to the EQB for adoption.  
 9 Thank you.  
 10 MS. FOSTER: Questions and discussion by  
 11 the Council?  
 12 CHAIRWOMAN LODES: So to clarify, if  
 13 industry has Subchapter 33 in their permit, this is  
 14 not going to mean they have to automatically reopen  
 15 their permit, it will just be addressed at the next  
 16 modification for those 10 facilities that have it in  
 17 their permit, correct?  
 18 MS. HAGENS: Correct.  
 19 CHAIRWOMAN LODES: Okay. Any other  
 20 questions or comments? Melanie, I see one comment  
 21 from the public.  
 22 MS. FOSTER: Yes, thank you. If you will  
 23 announce yourself and who you're with.  
 24 MR. GROUND: Bud Ground with Environmental  
 25 Federation of Oklahoma, and my question is really

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1 I'd like to know what those 10 facilities are and I  
 2 was wondering if they've been notified of this,  
 3 specifically. I mean, I just heard you say that you  
 4 were not going to open their permits, so I was just  
 5 wondering if they knew this was happening.  
 6 MS. FOSTER: Thank you, Bud.  
 7 MS. HAGENS: Yes, so we -- I believe our  
 8 legal has been in contact with these -- nope? Okay.  
 9 MS. FOSTER: Do you want me to just  
 10 answer?  
 11 MS. HAGENS: Yes.  
 12 MS. FOSTER: No, other than the normal  
 13 public notice process, they have not been contacted  
 14 directly. This was a -- to find the facilities that  
 15 were subject to basically just Subchapter 33, it was  
 16 a data mining process that Permitting did within  
 17 their permits.  
 18 And so through the normal process of  
 19 public notice we expect that they may be aware of  
 20 this, but I'm not -- there have been no direct  
 21 outreach to those individual facilities. There may  
 22 be one that is aware that we're doing this because  
 23 of some ongoing discussions with them, but  
 24 otherwise, no.  
 25 And again, back to the point of

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1 Laura, removing Subchapter 33, their permit will  
 2 still stand with the permit limit that was set by  
 3 Subchapter 33 unless and until they come to us and  
 4 ask for a change, and then they would have to go  
 5 through the normal permitting process to request  
 6 that permit limit change. So we're not expecting  
 7 any direct impact on those facilities.  
 8 MS. HAGENS: No automatic triggers as a  
 9 result of this revocation on the permits.  
 10 MS. FOSTER: Any other questions, comments  
 11 or discussion by the public?  
 12 Seeing none, discussion and action by  
 13 the Council.  
 14 CHAIRWOMAN LODES: Staff has recommended  
 15 that we revoke Subchapters 11 and 33. Do I have a  
 16 motion?  
 17 DR. THAYER: I have a question.  
 18 CHAIRWOMAN LODES: Yes.  
 19 DR. THAYER: Are there -- so you said you  
 20 haven't reached out to these facilities. Are there  
 21 now plans -- are there plans to do that or just kind  
 22 of let it organically filter down to them?  
 23 MS. FOSTER: So I would say we've not made  
 24 plans thus far to do that; we certainly can. Again,  
 25 the expectation is that they would retain the limit,

Page 20

1 and so we do not necessarily expect or want them to  
 2 come in and request a change to their permit.  
 3 DR. THAYER: Right. Okay.  
 4 CHAIRWOMAN LODES: Any other questions or  
 5 comments from the Council?  
 6 Do I have a motion to approve  
 7 revoking Subchapters 11 and 33?  
 8 MR. FARRELL: So moved.  
 9 CHAIRWOMAN LODES: I have a motion. Do I  
 10 have a second?  
 11 MR. ELLIOTT: I'll second.  
 12 CHAIRWOMAN LODES: I have a motion and a  
 13 second.  
 14 Quiana, will you please call roll?  
 15 MS. FIELDS: Mr. Elliott?  
 16 MR. ELLIOTT: Yes.  
 17 MS. FIELDS: Mr. Farrell?  
 18 MR. FARRELL: Yes.  
 19 MS. FIELDS: Mr. Keele?  
 20 MR. KEELE: Yes.  
 21 MS. FIELDS: Mr. Privrat?  
 22 MR. PRIVRAT: Yes.  
 23 MS. FIELDS: Mr. Taylor?  
 24 MR. TAYLOR: Yes.  
 25 MS. FIELDS: Dr. Thayer?

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1 DR. THAYER: Yes.

2 MS. FIELDS: Mr. Wilber?

3 MR. WILBER: Yes.

4 MS. FIELDS: Ms. Lodes?

5 CHAIRWOMAN LODES: Yes.

6 MS. FIELDS: Motion passed.

7 MS. FOSTER: So now we will proceed with

8 what's marked as agenda item 5C on the Hearing

9 Agenda for today: Chapter 100, Air Pollution

10 Control; Subchapter 49, Oklahoma Emission Reduction

11 Technology Rebate Program [Amended]; 252:100-49-5

12 [Amended] and 252:100-49-7 [Amended].

13 And Tom Richardson will make the

14 staff presentation.

15 MR. RICHARDSON: Thank you, Melanie. Good

16 morning, Madam Chair, Members of the Council, Ladies

17 and Gentlemen. I am Tom Richardson, an engineer in

18 the Air Quality's Division's Rules & Planning

19 Section. My purpose today is to present proposed

20 changes to our rules governing the Oklahoma Emission

21 Reduction Technology Rebate Program.

22 Next slide. This slide summarizes

23 the topics I will cover. First, I will say a few

24 words about the changes made to the statute that

25 prompted the need to change the rule language; then

Page 22

1 I will give an overview of the rule language we are

2 proposing; finally, I will give staff's

3 recommendation to the Council.

4 Next slide. So on the slide, you can

5 see a screenshot of the first page of the Act. It's

6 enrolled bill Senate No. 469, it was passed by the

7 legislature and signed by the Governor in April of

8 this year. It amends the language authorizing

9 rebates for the altered projects two ways: "All

10 applications for rebates shall be submitted no later

11 than six months after the end of the fiscal year in

12 which the project was completed", and, "All

13 applications for rebates shall be submitted no later

14 than six months prior to the date that the program

15 will be terminated or the cessation of the program".

16 Next slide. Chapter 100 changes,

17 again the Title 252 Chapter 100, Subchapter 49. And

18 I think I'm the third one to point out that the

19 notice of permanent proposed rulemaking was

20 published on September 15th, a revised version of

21 the notice was published on October 15th, and that

22 revision stated that rather than taking it to the

23 EQB if it is proposed by this group, it will

24 actually be taken to EQB in January instead of in

25 November. So those of you following with your

Page 23

1 packet, please turn to the appropriate location in

2 your packet.

3 Next slide. Rule language changes.

4 The first change is to mirror the language in the

5 legislation. So the language will be amended to

6 clarify that the application for a rebate must be

7 submitted no later than six months after the date of

8 the fiscal year in which the project was completed.

9 Next slide. The second and the last

10 change again mirrors the legislation. So the

11 language will address sunseting the program, so

12 we've amended the language to state that, "All

13 applications must be submitted no later than six

14 months prior to the date of cessation of the

15 program".

16 Next slide. We received no comments

17 addressing the proposed or written comments in

18 advance addressing these proposed changes.

19 Next slide. And our staff

20 recommendation. Staff are requesting that the Air

21 Quality Council recommend proposed rule revisions to

22 Subchapter 49 as presented today to the EQB during

23 the January meeting for adoption as a permanent

24 rule. That's the end of my question.

25 Melanie?

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1 MS. FOSTER: Questions and discussion by

2 the Council?

3 Seeing none, questions, comments,

4 discussion by the public? I didn't receive any

5 written comments, but if anybody would like to make

6 a comment on the rule?

7 Seeing none, discussion and action by

8 the Council.

9 CHAIRWOMAN LODES: Any further questions

10 or comments on the proposed changes to Subchapter 49

11 from the Council?

12 Staff has recommended that we move to

13 approve the recommended changes to Subchapter 49.

14 Do I have a motion?

15 MR. KEELE: Motion to approve.

16 CHAIRWOMAN LODES: Do I have a second?

17 DR. THAYER: Second.

18 CHAIRWOMAN LODES: I have a motion and a

19 second.

20 Quiana, please call roll.

21 MS. FIELDS: Mr. Elliott?

22 MR. ELLIOTT: Yes.

23 MS. FIELDS: Mr. Farrell?


24 MR. FARRELL: Yes.

25 MS. FIELDS: Mr. Keele?

Page 25

1 MR. KEELE: Yes.  
 2 MS. FIELDS: Mr. Privrat?  
 3 MR. PRIVRAT: Yes.  
 4 MS. FIELDS: Mr. Taylor?  
 5 MR. TAYLOR: Yes.  
 6 MS. FIELDS: Dr. Thayer?  
 7 DR. THAYER: Yes.  
 8 MS. FIELDS: Mr. Wilber?  
 9 MR. WILBER: Yes.  
 10 MS. FIELDS: Ms. Lodes?  
 11 CHAIRWOMAN LODES: Yes.  
 12 MS. FIELDS: Motion passed.  
 13 MS. FOSTER: And that concludes the  
 14 hearing portion of our meeting.  
 15 (HEARING ADJOURNED AT 9:25 AM)  
 16  
 17  
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 24  
 25

Page 26

1 CERTIFICATE  
 2 I, Jenny Longley, Certified Shorthand  
 3 Reporter within and for the State of Oklahoma, do  
 4 hereby certify that the above and foregoing meeting  
 5 was by me taken in shorthand and thereafter  
 6 transcribed; and that I am not an attorney for nor  
 7 relative of any of said parties or otherwise  
 8 interested in the event of said action.  
 9 IN WITNESS WHEREOF, I have hereunto  
 10 set my hand and official seal this 24th day of  
 11 October, 2025.  
 12  
 13   
 14 \_\_\_\_\_  
 15 Jenny Longley, CSR  
 16 CSR # 1903  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25



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**October 16, 2025**  
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