

# **Revocation of OAC 252:100-11 & OAC 252:100-33**

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**OKLAHOMA**  
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**FILED**

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**OKLAHOMA SECRETARY  
OF STATE**

**EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER 2020-03**

The public has a right to a concise and easily understood overview of the tangible impacts, costs and benefits of any proposed state agency rule. However, the 2019 Oklahoma Administrative Code contains 16,430 pages, roughly 35,000 active sections<sup>1</sup>, 145,296 restrictive phrases and 9.3 million words. That would take an individual about 515 hours – or almost 13 forty hour work weeks – to read.

Accountability, transparency and efficiency have been critical principles of my administration since taking office in January of 2019. Furthermore, I believe it is in the best interests of the State, its government, and its citizens to reduce regulatory burden whenever and wherever possible, while continuing to protect public health and public safety.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. All “state agencies,” as defined by 75 O.S. § 250.3, are to undertake a critical and comprehensive review of the agency’s administrative rules to identify costly, ineffective, duplicative, and outdated regulations, and to issue a report thereon. The report shall include a list of all unnecessary regulatory restrictions and all other costly, ineffective, unnecessary, and outdated regulations. The report of each agency’s findings shall be submitted to the Governor, the President Pro Tempore of the Oklahoma Senate and the Speaker of the Oklahoma House of Representatives on or before August 1, 2020.

## Background: EO 2020-03

- Agency comprehensive rule review
- “Identify costly, ineffective, duplicative, and outdated regulations”

# Subchapter 11. Alternative Emissions Reduction Plans and Authorizations

## **SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND AUTHORIZATIONS**

### **252:100-11-1. Purpose**

The purpose of this Subchapter is to provide facilities located within the state an alternative means for reducing the total burden of regulated air pollutants released into the atmosphere.

### **Current rule:**

- Not in State Implementation Plan (SIP), require source-specific SIP approval by EPA (and Council)
- Adopted in 1982, only used once
- Revised multiple times for clarity

### **Revocation:**

- Simplicity: acting on actual emissions
- Implement Governor's order to clean up rules
- No impact to SIP

## Subchapter 33. Control of Emission of Nitrogen Oxides

### Current rule:

- Adopted in 1972, amended as needed for clarification and industry changes
- Not providing intended backstop
- No true benefit to preventing NO<sub>x</sub> violations
- Sources already relying on federal standards

### **SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES**

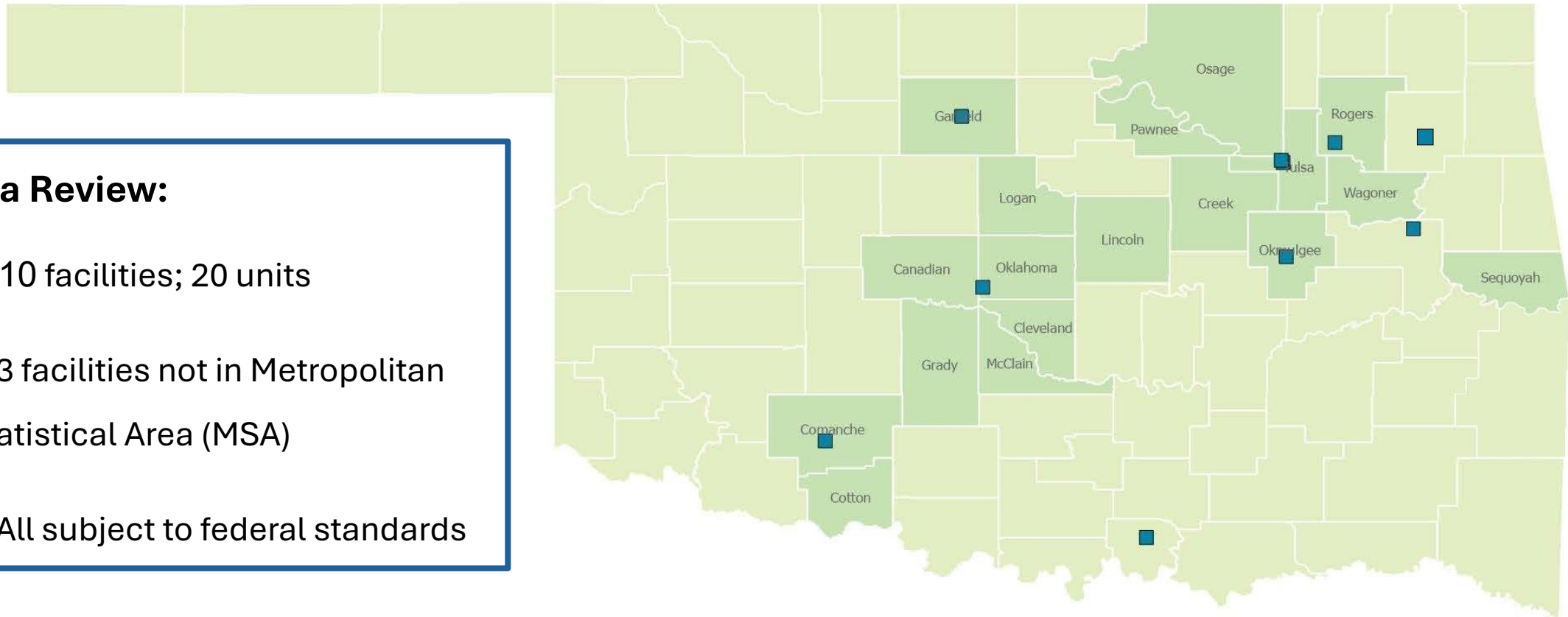
#### **252:100-33-1. Purpose**

The purpose of this Subchapter is to control the emission of nitrogen oxides from stationary sources to prevent the Oklahoma air quality standards from being exceeded and insure that the present level of air quality in Oklahoma is not degraded.

## Facilities Limited by Subchapter 33

### Data Review:

- 10 facilities; 20 units
- 3 facilities not in Metropolitan Statistical Area (MSA)
- All subject to federal standards





# Federal Regulations

**Applicable federal rules** include but are not limited to (NSPS) 40 CFR 60 Subparts:

- D      ➤ G
- Da    ➤ GG
- Db    ➤ III
- Ea    ➤ JJJJ
- Eb    ➤ KKKK
- Ec

## **State Implementation Plan (SIP):**

NO<sub>x</sub> revisions submitted in 2010

- Backlogged
- Sec. Starling letter requesting withdrawal of revisions

Old version of SC33 exists in Oklahoma SIP to date

- Remove in future
- 110(l) demonstration

## **110(l) Provision:**

- “Noninterference” provision of the CAA
- Demonstrate no harm to NAAQS/airshed

# Summary

## **Both:**

- Executive Order to clean up rules
- Outdated and ineffective

## **Subchapter 11:**

- Never fully utilized by facilities
- Updated but still outdated
- Ineffective

## **Subchapter 33:**

- Created & updated as needed
- Not necessary for controlling NO<sub>x</sub>
- Sufficiently covered by federal rules

**Staff requests AQAC recommend revocation  
of SC11 & SC33 to the EQB for adoption**

Thank you

Questions?