

**REGULAR MEETING/HEARING AGENDA  
AIR QUALITY ADVISORY COUNCIL  
October 16, 2025, 9:00 a.m.  
Department of Environmental Quality  
707 North Robinson Avenue  
Oklahoma City, OK 73102**

*Please turn off cell phones*



1. **Call to Order** – Laura Lodes, Chair
2. **Roll Call** – Quiana Fields
3. **Approval of Minutes** – July 30, 2025, Regular Meeting
4. **Meeting Schedule for Calendar Year 2026** – Discussion and action by Council
5. **Public Rulemaking Hearing**
  - A. **Chapter 100. Air Pollution Control**  
**Subchapter 2. Incorporation by Reference [AMENDED]**  
**Appendix Q. Incorporation by Reference [AMENDED]**

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 regulations. 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

1. Presentation – Jared Milano, EPS, Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

**B. 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 Emission 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]**

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 Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective.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directed all state agencies to review “agency’s administrative rules to identify costly, ineffective, duplicative, and outdated regulations.”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.

1. Presentation – Christina Hagens, EPS, Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

**C. Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program [AMENDED]**

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

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

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 Legislative Session.

1. Presentation – Tom Richardson, P.E., Rules & Planning Section, AQD
  2. Questions and discussion by the Council
  3. Questions, comments and discussion by the public
  4. Discussion and possible action by the Council
- 
6. **Presentation** – Upcoming Proposed Changes to Chapter 4 – Jonathan Allen, General Counsel, Office of the General Counsel
  7. **Presentation** – Fiscal Report – Administrative Services Division
  8. **Division Director's Report** – Kendal Stegmann, Division Director, AQD
  9. **New Business** – Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.
  10. **Adjournment** – The next regular meeting is tentatively scheduled for Wednesday, April 22, 2026, in Oklahoma City, Oklahoma.

Should you have a disability and need an accommodation, please notify the DEQ Air Quality Division three days in advance at 405-702-4177. Hearing impaired persons may call the text telephone (TDD) Relay Number at 1-800-722-0353 for TDD machine use only.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

Appendix Q. Incorporation By Reference [AMENDED]

**SUMMARY:**

The Department of Environmental Quality (Department or DEQ) 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 regulations. 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.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from September 15, 2025, through October 15, 2025. Oral comments may be made at the October 16, 2025 Air Quality Advisory Council meeting and at the November 6, 2025 Environmental Quality Board meeting.

**PUBLIC HEARINGS:**

Before the Air Quality Advisory Council at 9:00 a.m. on Thursday, October 16, 2025, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Thursday, November 6, 2025, at the Northeastern State University Event Center, Community Room, 600 N. Grand Ave. Tahlequah, OK 74464.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 C.F.R. § 51.102 and 27A O.S. § 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 C.F.R. Part 70 and 27A O.S. § 2-5-112(B)(9).

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, 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:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>.

**RULE IMPACT STATEMENTS:**

Pursuant to 75 O.S. § 303(D), a rule impact statement was prepared and is available on the DEQ website at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>. Copies may also be obtained from the Department by calling the contact person listed below.

**CONTACT PERSON:**

The contact person for this proposal is Melanie Foster, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments to [AQDRuleComments@deq.ok.gov](mailto:AQDRuleComments@deq.ok.gov). Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster.

**PERSONS WITH DISABILITIES:**

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4177. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

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252:100-11-7 [REVOKED]

Subchapter 33. Control of Emission 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]

**SUMMARY:**

The Department of Environmental Quality (Department or DEQ) 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.

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These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Title V (Part 70) Implementation Plan under the requirements of 40 C.F.R. Part 70 and 27A O.S. § 2-5-112(B)(9).

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The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, 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.

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Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program

252:100-49-5 [AMENDED]

252:100-49-7 [AMENDED]

**SUMMARY:**

The Department of Environmental Quality (Department or DEQ) 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 Legislative Session.

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Oklahoma Emission Reduction Technology Incentive Act; 68 O.S. § 55011.

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

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

<p>Page 21</p> <p>1 to approve the rule change as presented today with the</p> <p>2 supplemental in our packets?</p> <p>3 DR. THAYER: Make a motion to accept as per</p> <p>4 the rule changes in the packet.</p> <p>5 VICE CHAIRPERSON MR. KEELE: Second.</p> <p>6 CHAIRPERSON MS. LODES: I have a motion and</p> <p>7 a second. Please call roll.</p> <p>8 MS. FIELDS: Mr. Caves?</p> <p>9 MR. CAVES: Yes.</p> <p>10 MS. FIELDS: Mr. Farrell?</p> <p>11 MR. FARRELL: Yes.</p> <p>12 MS. FIELDS: Mr. Keele?</p> <p>13 VICE CHAIRPERSON MR. KEELE: Yes.</p> <p>14 MS. FIELDS: Mr. Privrat?</p> <p>15 MR. PRIVRAT: Yes.</p> <p>16 MS. FIELDS: Dr. Thayer?</p> <p>17 DR. THAYER: Yes.</p> <p>18 MS. FIELDS: Mr. Wilber?</p> <p>19 MR. WILBER: Yes.</p> <p>20 MS. FIELDS: Ms. Lodes?</p> <p>21 CHAIRPERSON MS. LODES: Yes.</p> <p>22 MS. FIELDS: Motion passed.</p> <p>23 MS. BOTCHLET-SMITH: This concludes the</p> <p>24 hearing portion of today's meeting.</p> <p>25</p>	
<p>Page 22</p> <p>1 CERTIFICATE</p> <p>2 STATE OF OKLAHOMA )</p> <p>3 ) SS:</p> <p>4 COUNTY OF OKLAHOMA )</p> <p>5</p> <p>6 I, Abby Rhodes, CSR, RPR, do hereby certify</p> <p>7 that on July 30, 2025, at the Department of</p> <p>8 Environmental Quality, Oklahoma City, Oklahoma, that</p> <p>9 the foregoing pages constitute a full, true, and</p> <p>10 correct transcript of the meeting on the date as</p> <p>11 indicated.</p> <p>12 I do further certify that I am not counsel,</p> <p>13 attorney, or relative of either party, or otherwise</p> <p>14 interested in the event of this suit.</p> <p>15 IN WITNESS WHEREOF, I have hereunto set my</p> <p>16 hand and affixed my seal at my office in Oklahoma City</p> <p>17 Oklahoma County, Oklahoma, this 30th day of July,</p> <p>18 2025.</p> <p>19 </p> <p>20 _____</p> <p>21 Abby Rhodes, CSR, RPR</p> <p>22 CSR No. 1939.</p> <p>23</p> <p>24</p> <p>25</p>	



**OKLAHOMA  
Environmental  
Quality**

## **AIR QUALITY ADVISORY COUNCIL**

**Attendance Record**

**July 30, 2025**

**Oklahoma City, Oklahoma**

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Jared Milano	AQD
Mike Thayer	AQAC-OSH
Kandal Stegmann	AQD
Jeremy Jewell	Trinity
Sean Walker	ET
Laura Lodes	AQC
Garry Keel	garrys.Keel@marketHill.co
LEE WARDEN	AQD
Carrie Schroeder	AQD
Glenn 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 Fidler	AQD
Jeff Wain	Council Member
John Privat	AQAC
Jim Farrell	AQAC
Marla Peek	OK Farm Bureau
Jeff Everett	OG&E



**OKLAHOMA  
Environmental  
Quality**

## **AIR QUALITY ADVISORY COUNCIL**

**Attendance Record**

**July 30, 2025**

**Oklahoma City, Oklahoma**

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Dara Schultz DEQ

(405) 102-4130

Randall Wadd

405 834-4182

Christina Hagens DEQ

405-702-4169

Brian McKibben OGE

553-3064

Braxton Edwards OGE

553-3064

Brooks Kirlin DEQ

Meghan Miller DEQ

GARY HENRY

DEQ

Ryan Biggers

DEQ

Eli Kline

DEQ

Brian McQuinn

OGE

Mark Hilobrand

DEQ

Whitney Hall

Envrotech Engineering + Consulting 580-707-0757

Chris Robinson

DEQ

MELANIE FOSTER

DEQ

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**MEMORANDUM**

**DATE:** October 2, 2025

**TO:** Members of the Air Quality Advisory Council

**FROM:** Kendal Stegmann, Director *KS*  
Air Quality Division

**SUBJECT:** CY2026 Air Quality Advisory Council Meeting Schedule

Suggested Council meeting dates for calendar year 2026 are listed below. You will be asked to approve or amend the schedule at the October 16, 2025, meeting. Please note that the final Air Quality Advisory Council Meeting of the year is proposed for December rather than October in order to prepare rules for the January Environmental Quality Board meeting. It has also been suggested that we begin future meetings at 9:30am. This time matches the start for Board meetings and would allow more time for morning travel.

Staff suggestions are:

**Wednesday, April 22, 2026 – Oklahoma City**  
**Wednesday, July 22, 2026 – Tulsa**  
**Wednesday, December 9, 2026 – Oklahoma City**

The proposed dates for Environmental Quality Board meetings in 2026 are as follows:

**Wednesday, January 21, 2026 – Oklahoma City**  
**Tuesday, June 9, 2026 – Oklahoma City**  
**Wednesday, September 9, 2026 – Guymon**  
**Tuesday, November 10, 2026 – Ada**



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**MEMORANDUM**

**DATE:** October 2, 2025

**TO:** Members of the Air Quality Advisory Council

**FROM:** Kendal Stegmann, Director *KS*  
Air Quality Division

**SUBJECT:** Proposed Update of OAC 252:100-2, and Appendix Q, Incorporation By Reference

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The update will include amendments 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. In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

These proposals are part of the annual review and update of incorporation by reference of federal regulations. Copies of the proposed rule and amended appendix are enclosed, along with a copy of the Rule Impact Statement.

This update incorporates those federal regulations currently listed in Appendix Q, including any amendments, as they existed on June 30, 2025. A list of the subparts that have been amended by EPA (and are listed in Appendix Q), is attached.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 15, 2025. The notice requested written comments from the public and other interested parties by October 15, 2025. As of the date of this memo, no comments have been received. Please note that a revised Notice was published on October 15, 2025, to amend the Environmental Quality Board meeting date. At the October meeting, staff will ask the Council to recommend the proposed rule changes to the Environmental Quality Board for adoption as permanent rules at its January 21, 2026 meeting.

Enclosures: Proposed Amendments to OAC 252:100-2  
Proposed Amendments to OAC 252:100, Appendix Q  
Rule Impact Statement  
List of amended subparts in Appendix Q

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 2. INCORPORATION BY REFERENCE**

**252:100-2-3. Incorporation by reference**

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on ~~June 30, 2024~~June 30, 2025.

(1) **Inclusion of 40 CFR citations and definitions.** When a provision of 40 CFR is incorporated by reference, all citations contained therein are also incorporated by reference.

(2) **Inconsistencies or duplications of requirements or incorporation dates.**

(A) In the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q or elsewhere in this Chapter, the more stringent requirements shall apply.

(B) In the event that a specific date of incorporation is indicated in Appendix Q or a subchapter of this Chapter, the specified date of incorporation shall apply.

(3) **Terminology related to 40 CFR.** For purposes of interfacing with 40 CFR and unless the context clearly indicates otherwise, the following terms apply.

(A) "Administrator" is synonymous with "Executive Director."

(B) "U. S. Environmental Protection Agency" or "EPA" is synonymous with "Department of Environmental Quality" or "DEQ."

## APPENDIX Q. INCORPORATION BY REFERENCE [AMENDED]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on ~~June 30, 2024~~June 30, 2025, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM <sub>10</sub> in the Atmosphere
51	A	Table 1 to Appendix A only of Subpart A—Emission Thresholds by Pollutant for Treatment as Point Source Under 40 CFR 51.30
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
51	n/a	Appendix W to Part 51 – Guideline on Air Quality Models
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for Monitors used in Evaluations of National Ambient Air Quality Standards
58	n/a	Appendix B to Part 58 – Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	Ba	Adoption and Submittal of State Plans for Designated Facilities
60	Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
60	Da	Standards of Performance for Electric Utility Steam Generating Units



PART	SUBPART	DESCRIPTION
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

PART	SUBPART	DESCRIPTION
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
60	L	Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022
60	La	Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

PART	SUBPART	DESCRIPTION
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and On or Before May 16, 2022
60	AAb	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022
60	KKa	Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022
60	LL	Standards of Performance for Metallic Mineral Processing Plants

PART	SUBPART	DESCRIPTION
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022
60	MMa	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023
60	VVb	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry

PART	SUBPART	DESCRIPTION
60	XX	Standards of Performance for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022
60	XXa	Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023
60	IIIa	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	JJJ	Standards of Performance for Petroleum Dry Cleaners
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

PART	SUBPART	DESCRIPTION
60	LLL	Standards of Performance for SO <sub>2</sub> Emissions From Onshore Natural Gas Processing: SO <sub>2</sub> Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023
60	NNNa	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023
60	RRRa	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	TTTa	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries

PART	SUBPART	DESCRIPTION
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022

PART	SUBPART	DESCRIPTION
60	OOOOb	Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Unit
60	TTTTa	Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
60	n/a	Appendix K to Part 60 - Determination of Volatile Organic Compound and Greenhouse Gas Leaks Using Optical Gas Imaging
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities



PART	SUBPART	DESCRIPTION
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Hazardous Air Pollutants for Equipment Leaks and Fenceline Monitoring for All Emission Sources
63	I	National Emission Standards for Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities

PART	SUBPART	DESCRIPTION
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)

PART	SUBPART	DESCRIPTION
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

PART	SUBPART	DESCRIPTION
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

PART	SUBPART	DESCRIPTION
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

PART	SUBPART	DESCRIPTION
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

PART	SUBPART	DESCRIPTION
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

PART	SUBPART	DESCRIPTION
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources



PART	SUBPART	DESCRIPTION
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
63	ZZZZZZ	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation (for Acid Rain Sources)

PART	SUBPART	DESCRIPTION
98	A	Table A-1 only to Subpart A of Part 98 – Global Warming Potentials
241	n/a	Solid Wastes Used as Fuels or Ingredients in Combustion Units

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on October 16, 2025  
Before the Environmental Quality Board on November 6, 2025

**RULE IMPACT STATEMENT**

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

APPENDIX Q. Incorporation By Reference [AMENDED]

- A. Statement of need for the rule change and legal basis supporting it.** The Department of Environmental Quality (DEQ) must update its rules to maintain consistency with federal regulations promulgated by the Environmental Protection Agency (EPA). This rulemaking proposes to update language in OAC 252:100-2, Incorporation by Reference, and the content in OAC 252:100, Appendix Q, Incorporation by Reference, to integrate the latest changes and additions to Title 40 of the Code of Federal Regulations (C.F.R.), including but not limited to Part 60, New Source Performance Standards (NSPS) and Parts 61 and 63 National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. This ensures that state rules reflect the most current federal requirements.

The legal basis for the proposed changes is supported by:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

- B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.** The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of \$1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). This proposed rule only incorporates by reference preexisting federal regulations. Therefore, this proposed rule will not impose any additional costs that the referenced federal rule(s) did not already impose upon affected facilities.
- C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.** DEQ is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the incorporation of EPA regulations as of June 30, 2025. DEQ is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reasoning 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.

**D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.**

The classes of persons most likely to be affected by the proposed rules are the owners and operators of facilities that are subject to the federal regulations being incorporated by reference. These same owners and operators are the class of persons who will bear any costs associated with the rules, however, no additional costs are expected to be incurred by these persons because the facilities are already subject to the federal regulations that will be incorporated by reference. As of September 15, 2025, DEQ has not received any added information regarding cost impacts from private or public entities.

**E. Description of the classes of persons who will benefit from the proposed rule(s).** The citizens of Oklahoma will benefit from the proposed rule amendments by the assurance that the most current regulations available are in place to protect public health and welfare.

**F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.**

DEQ expects no new economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity as it aligns state rules with preexisting federal standards, without imposing any additional requirements that are not already present in the federal regulations. Cost analyses were conducted by the EPA, in accordance with federal requirements, when it originally proposed the federal regulations that are referenced in this rule. DEQ anticipates no changes to full-time employee counts and no fee changes are included in this rulemaking.

**G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.** DEQ's methodology in determining the conclusion above is based on the fact that the preexisting federal regulations referenced in this proposed rule are already applicable to the affected parties. Therefore, this proposed rule enacts no new requirements.

**H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).** DEQ anticipates no economic impact on political subdivisions. No cooperation from political subdivisions is required to implement or enforce the rule. DEQ will be responsible for all aspects of implementation and enforcement of these regulations.

- I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.** DEQ anticipates no adverse economic impact on small businesses. Since these federal rules are already in place, economic impacts on small businesses will not change.
- J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.** There are no additional compliance costs expected due to this rule, and thus no additional measures were taken by DEQ.
- K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.** The referenced preexisting federal regulations in this proposed rulemaking generally have a positive effect on public health, safety, and the environment by reducing emissions and sustaining protections against air toxics and pollutants. No additional benefits are expected from this proposed rule.
- L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.** If the proposed changes are not implemented, the updated standards will be enforced by the federal government rather than the State. There will be no detrimental effect on public health, safety and environment if the proposed rule is not implemented.
- M. Analysis of alternatives to adopting the rule.** DEQ has determined that full incorporation of these rules is the least costly and most effective method to achieve consistency with federal regulations without regulatory gaps. Failure to do so could place Oklahoma's delegated authority status at risk.
- N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.** DEQ staff estimate 130 hours of professional time for rule development, including but not limited to, rule drafting, legal review, stakeholder coordination, formally presenting rule changes to the Air Quality Advisory Council and Environmental Quality Board, managing public comment periods, and filing the final rule.
- O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.** These state amendments directly incorporate federal rules from 40 C.F.R. Parts 60, 61, and 63 (e.g., NSPS for oil/gas and incinerators, NESHAPs for manufacturing), mirroring their scope, stringency, and compliance mechanisms without deviation.
- P. This rule impact statement was prepared on:** September 15, 2025  
**Modified on:**

## **CHANGES TO APPENDIX Q THROUGH June 30, 2025**

### **New Additions to Current Subparts Listed in APPENDIX Q (since July 1, 2024):**

No additions.

### **Amendments to Current Subparts Listed in APPENDIX Q (since July 1, 2024):**

#### **Part 51, Appendix W - Determining Conformity of General Federal Actions to State or Federal Implementation Plans**

Appendix W Revised .....95043

#### **Part 58, Appendix A - General Provisions, Appendix B - Monitoring Network**

Correction: Appendix A through Appendix C amended .....103655

#### **Part 60, Subpart A - Standards of Performance for New Stationary Sources**

60.17 Correction: Amended.....55522

60.17 (h)(198) through (233) redesignated as (h)(200) through (235); new (h)(198) and new (199) added .....83317

60.17 (g)(14), (h)(215), and (k)(3) revised; eff. 8-29-25 .....27938

#### **Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023**

60.110b—60.117b (Subpart Kb) Heading revised .....83317

60.110b (a) revised.....83317

60.115b (a), (b), and (d) revised; (e) through (g) added .....83317

60.116b (d) revised .....83319

60.117b (b) revised .....83319

#### **Part 60, Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006**

60.481 Correction: Amended.....55533

60.481a Correction: Amended .....55522

60.482-1 Correction: Amended .....55522

60.482-1 Correction: (e)(1) through (3) added .....74136

60.482-1a Correction: Amended; (e) revised; (g) stay lifted and removed .....55522

60.482-11a Correction: Stay lifted; section removed .....55522

#### **Part 60, Subpart III - Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023**

60.610—60.618 (Subpart III) Table 4 revised.....70513

60.610 Correction: Note following (d)(4) redesignated as Note1 .....74136

<u>Part 60, Subpart NNN - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023</u>	
60.660 Correction: Note following (d)(4) redesigned as Note 1 .....	74136
<u>Part 60, Subpart RRR - Subpart RRR—Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023</u>	
60.700 Correction: Note following (d)(4) redesignated as Note 1 .....	74136
<u>Part 60, Subpart CCCC - New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999</u>	
60.2020 (k) added; eff. 8-29-25 .....	27938
<u>Part 60, Subpart DDDD - Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9</u>	
60.2555 (k) added; eff. 8-29-25 .....	27939
<u>Part 60, Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006</u>	
60.2880—60.2977 (Subpart EEEE) Heading revised; eff. 8-29-25 .....	27939
60.2881 Revised; eff. 8-29-25 .....	27939
60.2885 (a) and (b) revised; (d) added; eff. 8-29-25.....	27939
60.2886 (a) revised; eff. 8-29-25 .....	27939
60.2887 (b)(1), (3), and (q) introductory text revised; eff. 8-29-25.....	27939
60.2887 Revised; eff. 8-29-25 .....	27955
60.2888 (a) and (b) introductory text revised; eff. 8-29-25 .....	27939
60.2889 Revised; eff. 8-29-25 .....	27939
60.2890 Introductory text revised; (j) and (k) added; eff. 8-29-25 .....	27940
60.2894 Revised; eff. 8-29-25 .....	27940
60.2895 (a) and (b) revised; eff. 8-29-25 .....	27940
60.2905 (b), (c) introductory text, (1)(iv), (viii), and (x) revised; eff. 8-29-25 .....	27940
60.2906 Revised; eff. 8-29-25 .....	27940
60.2908 (d) revised; eff. 8-29-25 .....	27940
60.2910 (a) introductory text, (4), and (c)(2) revised; (a)(10) added; eff. 8-29-25 .....	27940
60.2911 Introductory text revised; eff. 8-29-25.....	27941
60.2915 Revised; eff. 8-29-25 .....	27941
60.2916 Revised; eff. 8-29-25 .....	27941
60.2917 Heading and introductory text revised.....	27942
60.2918 Removed; eff. 8-29-25 .....	27942
60.2922 Revised; eff. 8-29-25 .....	27942
60.2923 Revised; eff. 8-29-25 .....	27942
60.2927 Revised; eff. 8-29-25 .....	27942
60.2928 Revised; eff. 8-29-25 .....	27943

60.2929 Added; eff. 8-29-25 .....	27943
60.2932 Revised; eff. 8-29-25 .....	27944
60.2933 Revised; eff. 8-29-25 .....	27945
60.2934 (d) added; eff. 8-29-25 .....	27945
60.2935 Revised; eff. 8-29-25 .....	27945
60.2939 (a) revised; eff. 8-29-25 .....	27945
60.2940 (b) and (c) revised; eff. 8-29-25 .....	27945
60.2942 Heading, (a), and (f) revised; eff. 8-29-25 revised .....	27945
60.2944 Revised; eff. 8-29-25 .....	27946
60.2949 Introductory text, (b) through (e), and (g) revised; (p) through (r) added; eff. 8-29-25 .....	27946
60.2954 Introductory text revised; (c) added; eff. 8-29-25 .....	27947
60.2955 Revised; eff. 8-29-25 .....	27947
60.2956 Revised; eff. 8-29-25 .....	27947
60.2957 Heading and (a) revised; eff. 8-29-25 .....	27948
60.2958 Revised; eff. 8-29-25 .....	27948
60.2961 Revised; eff. 8-29-25 .....	27948
60.2966 Correction: Revised .....	89931
60.2967 Correction: Revised .....	89931
60.2969 Correction: Added .....	89931
60.2970 (b) removed; eff. 8-29-25 .....	27949
60.2971 (b) revised; eff. 8-29-25 .....	27949
60.2972 (a) revised; eff. 8-29-25 .....	27949
60.2880—60.2977 (Subpart EEEE) Table 1 revised; eff. 8-29-25 .....	27951
60.2880—60.2977 (Subpart EEEE) Table 1a and 1b added; eff. 8-29-25 .....	27951
60.2880—60.2977 (Subpart EEEE) Table 2, Table 3, and Table 4 revised .....	27953
60.2973 (e) revised; eff. 8-29-25 .....	27949
60.2975 (d) revised; eff. 8-29-25 .....	27950
60.2977 Amended; eff. 8-29-25 .....	27950

Part 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

60.4214 (a)(1) introductory text and (d)(3) revised; (f) through (j) added .....	70512
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Part 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

60.4245 (c) introductory text, (d), and (e)(3) revised; (f) through (j) added .....	70514
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Part 60, Subpart OOOOa - Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022

60.5430a Amended; interim .....	62888
60.5360a—60.5439a (Subpart OOOOa) Tables 1 and 2 revised; interim .....	62888

Part 60, Subpart OOOOb - Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022



60.5365b (e) and (g) and (i) revised; Interim.....	62888
60.5370b (a)(1) introductory text, (i), (4), and (7)(i) revised; interim.....	62891
60.5371b (c)(4), (d)(2) introductory text, and (e)(1)(v) revised; interim.....	62891
60.5376b (a)(1) introductory text and (g)(4) revised; (a)(1)(A) and (B) redesignated as (a)(1)(i) and (ii); interim .....	62891
60.5377b (g)(2) revised; interim .....	62891
60.5380b (a)(5) introductory text revised; interim .....	62891
60.5385b (a)(3) introductory text, (d)(3), and (g) revised; interim.....	62891
60.5386b (a)(1) introductory text and (c) introductory text revised; interim .....	62892
60.5393b (b)(6)(ii) and (7)(iii) revised; Interim .....	62892
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60.5397b (d) introductory text and (k) revised; interim .....	62892
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**MEMORANDUM**

**DATE:** October 2, 2025

**TO:** Members of the Air Quality Advisory Council

**FROM:** Kendal Stegmann, Director *KS*  
Air Quality Division

**SUBJECT:** Proposed Revocation of Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides

The Department of Environmental Quality (Department or DEQ) 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.

Notice of the proposed rule change was published in the *Oklahoma Register* on September 15, 2025. The notice requested written comments from the public and other interested parties. No comments have been received as of the date of this memo. Please note that a revised Notice was published on October 15, 2025, to amend the Environmental Quality Board (EQB) meeting date. Should the Council recommend the proposed changes, these rules will be considered by the EQB at the January 21, 2026, meeting in Oklahoma City.

At the October meeting, staff will request the Council to recommend the proposed rule change to the EQB for consideration at the meeting in January. A copy of the proposed rules revision is enclosed, along with a copy of the Rule Impact Statement.

**Enclosures:** Proposed Revocation of OAC 252:100-11  
Proposed Revocation of OAC 252:100-33  
Rule Impact Statement

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND  
AUTHORIZATIONS [REVOKED]**

**252:100-11-1. Purpose [REVOKED]**

~~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.~~

**252:100-11-2. Definitions [REVOKED]**

~~The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.~~

~~"Actual emissions" for purposes of this Subchapter, means the lowest emission rate in tons per year at which the facility actually emitted a specific pollutant during the three year period immediately preceding the date of the alternative emissions reduction plan. The DEQ may allow the use of a different time period upon a determination that it is more representative of normal operations.~~

~~"Affected emission point" for purposes of this Subchapter, means an emission point that will undergo an emissions reduction or emissions increase in an alternative emissions reduction plan.~~

~~"Affected pollutant" for purposes of this Subchapter, means any regulated air pollutant that is reduced or increased as a result of the implementation of an alternative emissions reduction plan.~~

~~"Net emissions reduction" means the amount by which emissions from a facility will be reduced in an alternative emissions reduction plan. Net emissions reduction shall be calculated by subtracting the emissions of a specific pollutant allowed under an alternative emissions reduction plan from the facility's actual emissions, potential emissions, the emissions allowed under the operating permit, or the emissions allowed by rule, whichever is least.~~

~~"Potential emissions" for purposes of this Subchapter, means the level of emissions a source emits when operating at maximum capacity considering enforceable reductions from air pollution controls and other enforceable restrictions such as hours of operation, types of raw material or fuel, etc.~~

**252:100-11-3. Applicability [REVOKED]**

~~The procedures detailed in this Subchapter shall be available to all air contaminant sources located within the state except those precluded by federal law or federal regulation (e.g., PSD, NESHAP, or NSPS) provided:~~

- ~~(1) the facility is either in compliance with all applicable state air pollution control rules, or~~
- ~~(2) if the facility is not in compliance with any emission limit or standard, the petition filed pursuant to the provisions of this Subchapter constitutes a commitment to achieve a net emissions reduction from the facility as a whole that is equal to or greater than the amount by which the emission limit or standard is exceeded.~~

**252:100-11-4. Application for alternative emissions reduction plan authorizations [REVOKED]**

~~(a) **Filing.** A facility seeking to operate under an alternative emissions reduction plan (referred to as the plan) shall submit an application for authorization to the DEQ.~~

~~(b) **Content.** An alternative emissions reduction plan application shall include, but shall not be limited to:~~

- ~~(1) identification of the applicant facility by name and location;~~
- ~~(2) the name, address, and telephone/fax numbers of the owner or operator of the applicant facility;~~
- ~~(3) the permit number under which each affected emission point is presently operating or, if the affected emission point is grandfathered from permit requirements, the date emissions of each affected pollutant from each affected emission point commenced;~~
- ~~(4) a narrative of the proposed plan including a description of the means and methods to achieve the proposed alternative reductions;~~
- ~~(5) the specific requirement for which an exemption is being requested and why that requirement cannot or is not being met;~~
- ~~(6) a plot plan of all the emission points at the facility identifying the affected emission points within the facility and all affected pollutants emitted from each emission point, clearly marking the measured distance between each affected emission point, showing the stack height of each emission point or proposed emission point, showing the location of existing air pollution control equipment and the particular emission points controlled by this equipment, and showing the proposed location of any new control equipment to be added as a result of the implementation of the alternative emissions reduction plan and the emission points to be controlled by this new equipment;~~
- ~~(7) the actual emission levels of all affected pollutants from each emission point;~~
- ~~(8) estimated levels of any affected pollutant to be emitted should the authorization be issued including estimates of the levels of affected pollutants to be emitted from each emission point considered and control strategies and/or equipment that will be implemented to control emission levels;~~
- ~~(9) identification of all affected pollutants according to individual chemical components;~~
- ~~(10) as applicable, identification of particulate matter according to both chemical components and particle size;~~
- ~~(11) modeling/monitoring data substantiating the current ambient levels of all affected pollutants, and if required, modeling demonstrating that the plan will not cause or contribute to a violation of the NAAQS;~~
- ~~(12) the method utilized in calculating the projected emissions levels;~~
- ~~(13) if the applicant facility is out of compliance with any emission standard or limit, a compliance plan which includes dates and milestones for implementation of the elements of the alternative emissions reduction plan;~~
- ~~(14) the net emission reduction as defined in OAC 252:100-11-2, and;~~
- ~~(15) any other information required by the application form.~~

~~(c) **Multiple facilities.** If the application includes more than one facility under the control of the applicant, located on contiguous or adjacent property, and affecting the same airshed, in addition to the information required in OAC 252:100-11-4(b), the application shall include a plot plan showing the physical relationship of the facilities with the measured distance between the facilities clearly marked.~~



## **252:100-11-5. Emissions reduction plan requirements and limitations [REVOKED]**

### **(a) ~~Requirements.~~**

~~(1) An acceptable alternative emissions reduction plan must result in a net emissions reduction, that is, a reduction in the facility's actual emissions of all regulated air pollutants for which the plan is proposed. (This does not include air pollutants that are increased due to control equipment or strategy.) This means that a facility must reduce emissions of these regulated air pollutants by an amount that brings the air burden to a level less than it would be if the facility were in compliance. The exact amount of the net emissions reduction will be set on a case by case basis, taking into account the status of the area, topography, weather conditions, surrounding business/residential factors, etc. The plan must conform to the following requirements.~~

~~(A) A net emissions reduction as defined in OAC 252:100-11-2 must be shown as a result of the control strategies proposed in the application.~~

~~(B) Facility wide increases in any regulated air pollutants that result from the implementation of the plan shall comply with limits, standards, and requirements applicable to the emission points involved.~~

~~(C) The plan shall not cause or contribute to a violation of the NAAQS for any regulated air pollutant.~~

~~(D) The plan shall contain enforceable methods of measurement, monitoring, and reporting.~~

~~(E) Plans involving Part 70 sources located in Nonattainment Areas, in addition to the requirement in OAC 252:100-11-5(a)(1)(A), (B), (C), and (D) must include a commitment to install, maintain, and operate RACT, as defined by applicable rules, or other control measures that would achieve equivalent reductions.~~

~~(2) Multiple facilities under the control of the same owner or operator may be included in the plan if the facilities are located on contiguous or adjacent property and the emissions from all the facilities involved affect the same airshed. In addition to the requirements of OAC 252:100-11-5(a)(1), the owner or operator must demonstrate by air quality modeling that the increases and decreases in facility emissions will not adversely affect air quality in the area impacted by the affected emission points and that the plan will result in the same or better air quality level overall.~~

### **(b) ~~Limitation.~~** The following limitations shall apply to all alternative emissions reduction plans:

~~(1) Net emissions reduction trade-offs will not be authorized across established pollutant categories; e.g., sulfur emissions may not be traded for hydrocarbon emissions.~~

~~(2) Net emissions reduction trade-offs of particulate matter will be authorized only if the trade-off results in a net reduction in particulate matter of equal or smaller average aerodynamic diameter.~~

## **252:100-11-6. Authorization procedures [REVOKED]**

~~(a) **Determination.** Within 30 days after receipt of all information required to accomplish the analysis of an application for an alternative emissions reduction plan, the DEQ will make a determination whether the plan should be authorized, authorized with conditions or not authorized.~~

### **(b) ~~Petition for recommendation to revise SIP, public notice, and Council hearing.~~**

~~(1) Upon a determination to authorize but prior to authorization, the applicant shall file a petition with the DEQ seeking a hearing and recommendation by the Air Quality Council for a corresponding revision to the SIP.~~

~~(2) The applicant shall notify the public of the public hearing for an alternative emissions reduction plan by methods contained in OAC 252:4-7-13.~~

~~(3) The public notice, as specified, will be sufficient to notify all sub-state entities and their representatives of the proposed recommendation for SIP revision.~~

~~(4) At such a hearing before the Air Quality Council, the applicant shall bear the burden of proof.~~

~~(e) **Major source.** In the case of a major source, as defined by the Federal Clean Air Act, that might impact the air quality of a neighboring State, the comment period for that State is extended to a 60-day period as required by Section 126 of the Federal Clean Air Act, 42 U.S.C. Section 7426.~~

~~(d) **Plan authorization.** Following receipt of the Air Quality Council's recommended revision of the SIP, the DEQ shall issue the plan authorization.~~

#### **252:100-11-7. Duty to comply [REVOKED]**

~~(a) Upon issuance of the authorization for the alternative emissions reduction plan by the DEQ, the owner or operator shall be bound by the terms and conditions therein.~~

~~(b) Any owner or operator who violates the terms or conditions in the authorized plan shall be subject to enforcement under the Oklahoma Clean Air Act.~~

### **SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES [REVOKED]**

#### **252:100-33-1. Purpose [REVOKED]**

~~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.~~

#### **252:100-33-1.1. Definitions [REVOKED]**

~~The following terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~**"New fuel burning equipment"** means any fuel burning equipment that was not in being on February 14, 1972, or any existing fuel burning equipment that was altered, replaced, or rebuilt after February 14, 1972, resulting in increased emissions of nitrogen oxides with the following exceptions:~~

~~(A) New fuel burning equipment for gas turbines means any gas turbine that was not in being on July 1, 1977, or any existing gas turbine that was altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides; and~~

~~(B) New fuel burning equipment for direct fired processes means any direct fired fuel burning equipment or processes that were not in being on July 1, 1977, or any existing direct fired fuel burning equipment or processes that were altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides.~~

~~**"Solid fossil fuel"** means solid fossil fuel such as coal and any solid fuel derived from naturally occurring coal or petroleum.~~

~~**"Three-hour average"** means the arithmetic average of sampling results or continuous emission monitoring data from three contiguous one-hour periods.~~

### **252:100-33-1.2. Applicability [REVOKED]**

~~(a) This subchapter applies to new fuel burning equipment that meets both of the following criteria.~~

~~(1) The fuel burning equipment has a rated heat input of 50 MMBTU/hr or greater.~~

~~(2) The equipment burns solid fossil fuel, gaseous fuel, or liquid fuel, or a combination thereof.~~

~~(b) Glass melting furnaces that are subject to BACT requirements contained in a currently applicable Air Quality Division permit are exempt from the requirements of OAC 252:100-33-2. The NO<sub>x</sub> emissions from this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment.~~

### **252:100-33-2. Emission limits [REVOKED]**

~~(a) Fuel burning equipment subject to this subchapter shall meet the following emission limitations except as provided in OAC 252:100-33-1.2(b) and 252:100-33-2(b).~~

~~(1) **Gas-fired fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new gas-fired fuel burning equipment shall not exceed 0.20 lb/MMBTU (86 ng/J) heat input, three-hour average.~~

~~(2) **Liquid-fired fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new liquid-fired fuel burning equipment shall not exceed 0.30 lb/MMBTU (129 ng/J) heat input, three-hour average.~~

~~(3) **Solid fossil fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new solid fossil fuel burning equipment shall not exceed 0.70 lb/MMBTU (300 ng/J) heat input, three-hour average.~~

~~(4) **Combination of fuels burned.** When different types of fuels are burned simultaneously in any combination, the NO<sub>x</sub> standard (calculated as nitrogen dioxide in lb/MMBTU heat input, three-hour average) for the fuel burning equipment shall be determined by proration unless a secondary fuel is used in de minimis quantities (less than 5% of total BTU input annually). Compliance shall be determined using the following formula where X is the percent of total heat input derived from gaseous fuel, Y is the percent of total heat input derived from liquid fuel, and Z is the percent of total heat input derived from solid fuel:~~

~~NO<sub>2</sub> limit = 0.2X + 0.3Y + 0.7Z / (X + Y + Z).~~

~~(b) If fuel burning equipment, due to technological limitations, cannot meet the requirements of OAC 252:100-33-2(a) during startup and/or shutdown, the fuel burning equipment shall comply with BACT for startup and/or shutdown as contained in a currently applicable Air Quality Division permit. The NO<sub>x</sub> emissions during startup and/or shutdown of this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment. Approval of technological limitations by the Director in an Air Quality Division permit does not mean automatic approval by the EPA.~~

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on October 16, 2025  
Before the Environmental Quality Board on November 6, 2025

**RULE IMPACT STATEMENT**

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 Emission 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]

**A. Statement of need for the rule change and legal basis supporting it.**

The Department of Environmental Quality (DEQ) 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.

The proposed change is needed in order to clean up potentially obsolete and ineffective rules.

The legal basis for the proposed changes is supported by:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

**B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.**

The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of \$1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The proposed rule change would revoke state rules that impose additional requirements on facilities and therefore there are no associated compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals.

**C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.**

DEQ 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.

This proposed rule change is not mandated by federal law nor is it required in order to participate or implement a federal program. The revocation of Subchapter 33 would remove additional, stringent requirements that was imposed by the state rule. Any entities impacted by the associated changes would be subject to less stringent federal requirements therefore this change does not exceed the requirements of the federal law. There is no equivalent federal regulation to Subchapter 11 therefore the proposed rulemaking does not exceed any requirements of the federal law.

**D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.**

The classes of persons affected by the proposed changes would be the owners and operators of regulated sources of air emissions and the citizens of Oklahoma. These classes would ultimately bear the costs of the proposed rule changes, however, there are no new costs associated with this rulemaking and DEQ has received no additional information on cost impacts from private or public entities.

**E. Description of the classes of persons who will benefit from the proposed rule(s).**

The classes of persons affected by the proposed changes, the owners and operators of regulated sources of air emissions and the citizens of Oklahoma, will benefit from the rulemaking. The proposed rule change would revoke potentially obsolete rules which include additional, stringent requirements compared to the equivalent federal regulations where applicable.

**F. Comprehensive analysis of the rule change’s economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.**

DEQ expects negligible economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity. There are no fee changes included in this rulemaking and DEQ expects no net loss or gain in revenues as a result. There will be no new quantitative impact on business entities and no expected change to the full-time-employee count of the agency from this rule proposal.

**G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.**

The economic impact of this rulemaking was determined to be negligible as the proposed

rulemaking is a revocation of more stringent state rules. The affected classes of persons impacted by this rulemaking are subject to federal requirements regardless so there is no expected change in cost or benefits to applicable facilities. As there is no assumed cost associated with the rulemaking, there is no methodology nor assumptions used to determine this impact.

**H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).**

DEQ anticipates no economic impact on political subdivisions due to this rulemaking activity and thus does not require their cooperation in implementation or enforcement.

**I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.**

No adverse economic effects on owners and operators of small businesses are expected as a result of this rulemaking.

**J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.**

There are no additional compliance costs expected due to this rule, and thus no additional measures were taken by DEQ.

**K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.**

The proposed changes are not designed to reduce significant risk and will have a negligible effect on public health, safety, and the environment as a result of the rulemaking.

**L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.**

If the proposed rule is not implemented there are no anticipated detrimental effects on public health, safety, and the environment.

**M. Analysis of alternatives to adopting the rule.**

DEQ has determined that there are no less costly or nonregulatory methods of achieving the purpose of the proposed change.

**N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.**

Approximately 160 hours would be spent on the research and development of this rule proposal by full-time state employees. Existing resources would be utilized to develop the rule, and no additional resources would be necessary.

**O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.**

There are multiple existing federal regulations under the New Source Performance Standards (NSPS) in 40 CFR Part 60 that address activities similar to Subchapter 33. Applicable federal rules include but are not limited to 40 CFR 60 Subparts: D, Da, Db, Ea, Eb, Ec, G, GG, IIII, JJJJ, and KKKK.

The federally equivalent rules found in 40 CFR 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) include standards for new engines that are higher than the equivalent limits under Subchapter 33. Compliance with all requirements of 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines) and KKKK (Standards of Performance for Stationary Combustion Turbines), including emission limits and as specified in a currently applicable AQD permit, is found to be comparable to the requirements under Subchapter 33 for gas turbines. The affected classes of persons impacted by this rulemaking are subject to the equivalent federal requirements as required under their permit and as required by EPA.

There is no equivalent federal regulation to Subchapter 11 that would address the activities of this proposed rule change. This rule was initially added to provide facilities flexibility in emission reduction by allowing offsets between emission points within the facility. The revocation of this rule would remove this option of internal trading and require facilities to adhere to actual emission point limits as required under their permit and expected by EPA for all individual permits.

**P. This rule impact statement was prepared on:** September 15, 2025  
**Modified on:**

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**MEMORANDUM**

**DATE:** October 2, 2025

**TO:** Members of the Air Quality Advisory Council

**FROM:** Kendal Stegmann, Director *KS*  
Air Quality Division

**SUBJECT:** Proposed Rule Amendments to OAC 252:100-49

The Department of Environmental Quality (Department or DEQ) is proposing to amend OAC 252:100-49, Oklahoma Emission Reduction Technology Rebate Program, 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 Legislative Session.

Notice of the proposed rule changes was published in the *Oklahoma Register* on September 15, 2025. The notice requested comments from members of the public and other interested parties by October 15, 2025. As of the date of this memo, no comments have been received. Please note that a revised Notice was published on October 15, 2025, to amend the Environmental Quality Board meeting date. A copy of the proposed rules revision is enclosed, along with a copy of the Rule Impact Statement.

This is the first time this proposal has been presented to the Council for consideration. At the October 2025 AQAC meeting, staff will ask the Council to recommend the rule to the Environmental Quality Board for adoption as a permanent rule at its January 21, 2026 meeting.

**Enclosures:** Proposed amendments to OAC 252:100-49  
Rule Impact Statement



**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 49. OKLAHOMA EMISSION REDUCTION TECHNOLOGY REBATE  
PROGRAM**

**252:100-49-5. Program criteria and qualification determination**

(a) **Applying for rebate eligibility.** An applicant responsible for the implementation of a qualified Emission Reduction Project may submit a rebate claim to DEQ for review and determination whether the project qualifies under the program.

(1) The rebate claim shall be submitted on forms provided for this purpose, or as otherwise specified by DEQ.

(2) The rebate claim shall be submitted to DEQ no later than six (6) months after the end of the fiscal year in which the ~~expenditures were made~~ implementation of the qualified Emission Reduction Project was completed. The fiscal year ends on June 30 each year.

(3) Project documentation shall include:

(A) a project description that provides information in sufficient detail to determine that it qualifies as an Emission Reduction Project (ERP) as defined in 68 O.S. § 55008;

(B) an estimation of actual resulting emission reductions;

(C) a statement that the project has been designed, installed, and operated as described in the claim and in accordance with good engineering practices and the requirements of this Chapter, and that implementation of the project is complete; and

(D) an itemization of expenses, with invoices, for all equipment installed to implement the project;

(E) a statement that specifically identifies whether the ERP pertains to refining activities, or does not pertain to refining activities.

(4) Project documentation shall state the amount of expenditures made in this state directly related to the implementation of the qualified Emission Reduction Project.

(5) The applicant shall certify that the project is not required to address an enforcement action or undertaken as a supplemental environmental project to offset an enforcement penalty.

(6) The applicant shall provide a certification from OTC that it has filed all Oklahoma tax returns and tax documents which are required by the laws of this state.

(7) The applicant shall provide evidence of a certificate of general liability insurance with a minimum coverage of One Million Dollars (\$1,000,000.00) and a workers' compensation policy pursuant to the laws of this state which shall include coverage of employer's liability.

(8) The rebate claim shall include certification, signed by a responsible official, attesting to the truth, accuracy, and completeness of the claim. This certification shall contain the following language: "I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

(9) The applicant will be assessed a one-time fee of \$1,000 that must accompany the rebate claim. A rebate claim without the appropriate fee is incomplete.

(b) **DEQ review of rebate claim.** DEQ will review the rebate claim information to determine if the described project is a qualified Emission Reduction Project, and will ~~the~~ notify the applicant

and OTC of its final approval or disapproval of the claim for a rebate payment from available funds in either the Oklahoma Emission Reduction Technology Upstream and Midstream Incentive Revolving Fund or the Oklahoma Emission Reduction Technology Downstream Incentive Revolving Fund, as appropriate.

(c) **Early submittal of rebate claim documentation for preliminary review.** An applicant may submit documentation for a planned ERP and corresponding rebate claim, for preliminary review by DEQ prior to the expenditure of project funds. Such submittal shall include a payment for the fee required under paragraph (9). Any resulting preliminary approval of the technical merits of the project shall be subject to final review and approval, once the project is complete and invoices are received per (a)(3)(C) and (D) above, prior to notifying OTC of a final determination under subsection (b).

(d) **Effect on OTC authority.** Nothing in this section shall limit or otherwise affect OTC's authority or responsibilities under the Act, including the authority to request submittal of additional information by the claimant

#### **252:100-49-7. Sunset provision**

This Subchapter shall cease to be in effect if and when the Oklahoma Emission Reduction Technology Rebate Program ceases on July 1, 2027, or as otherwise stipulated in 68 O.S. § 55012 or its successor. All applications for rebate payment shall be submitted to the Department no later than six (6) months prior to the date of cessation.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on October 16, 2025  
Before the Environmental Quality Board on November 6, 2025

**RULE IMPACT STATEMENT**

Subchapter 49. Oklahoma Emission Reduction Technology Rebate Program  
252:100-49-5 [AMENDED]  
252:100-49-7 [AMENDED]

**A. Statement of need for the rule change and legal basis supporting it.**

The Department of Environmental Quality (DEQ) 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.

The legal basis for the proposed changes is supported by:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

Oklahoma Emission Reduction Technology Incentive Act; 68 O.S. § 55011.

**B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.**

The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of \$1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The proposed rule does not add any costs to facilities and instead offers facilities an opportunity to receive a rebate of up to 25% of their Emission Reduction Project costs.

**C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.**

The 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. This is a state program and is not mandated by federal law or part of a federal program. The gist of this rule proposal and the underlying reason for the rulemaking is to implement DEQ's continuing responsibilities under the Oklahoma Emission Reduction Technology Incentive Act as revised during the 2025 Oklahoma Legislative Session.

**D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.**

The classes of persons affected are the owners and operators of oil and gas facilities that have implemented a qualifying Emissions Reduction Project and are potentially eligible for a rebate for associated expenses. The classes of persons who will bear costs are the owners and operators of facilities that prepare and submit a rebate claim under the program. DEQ has not received any information on cost impacts as of this date.

**E. Description of the classes of persons who will benefit from the proposed rule(s).**

The citizens of Oklahoma will benefit from implementation of qualifying Emissions Reduction Projects that reduce emissions, and owners and operators of oil and natural gas facilities that have implemented a qualifying Emissions Reduction Project will benefit if they are eligible for a rebate for associated expenses.

**F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.**

There should be a net positive economic impact on affected classes of persons potentially eligible for a rebate under this program as they can receive a rebate of up to 25% of the costs of their Emission Reduction Project. No new costs are associated with these proposed changes and DEQ is not proposing any fee changes in this rule. There will be no impact to the full-time-employee count of the agency as DEQ will use existing staff for the program. Although no other agencies will be implementing these proposed DEQ regulations, the Oklahoma Tax Commission (OTC) will likely incur some additional costs in meeting its statutory obligations under the updated rebate program. DEQ did not evaluate any possible benefits to the OTC. DEQ will continue to use the existing \$1,000 application fee to help offset costs for DEQ to administer the review of rebate claims under this rule. Other program fees and federal grants will be used to fund the remaining costs to implement these regulations.

**G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.**

The proposed rule change is expected to have a positive economic impact on facilities that install emissions control technology project and apply for a rebate. DEQ's methodology in determining the conclusion above is based on the potential rebate amount up to 25% of the cost of their emissions reduction technology. DEQ has not attempted to estimate a net change in revenues from these proposed rules for either DEQ or OTC, because the proposed changes are not expected to affect the number of applications received. In addition, DEQ does not have data to project how many rebate claims are likely to be received in a given year nor how much each application is requesting in rebate.

**H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).**

DEQ anticipates no economic impact on political subdivisions. No political subdivision cooperation is required. DEQ will continue to be responsible for all aspects of implementation regarding its obligations under these regulations.

**I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.**

DEQ anticipates no adverse effect on small business.

**J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.**

The proposed amendments to the existing rules are not expected to change the costs for facilities to document implementation of potentially eligible projects, including the associated expenditures and the actual emissions reduction achieved.

**K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.**

The proposed rule will have a positive effect on public health, safety, and the environment and reduce risks if the rebate program serves as an incentive for additional facilities to implement Emission Reduction Projects but it is not designed to reduce specifically identified risks.

**L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.**

If the proposed rule is not implemented, facilities will have less certainty of required documentation, qualifications, and procedures under the Act. That could result in implementation of fewer new voluntary Emission Reduction Projects, and loss of any potential benefits of such projects on public health, safety, and environment.

**M. Analysis of alternatives to adopting the rule.**

DEQ has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

**N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.**

Approximately 40 hours would be spent on the research and development of this rule proposal by full-time state employees. Existing resources would be utilized to develop the rule, and no additional resources would be necessary.

**O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.**

There are no existing or proposed federal regulations that are intended to address the activities covered by the proposed rule. This is a state only program.

**P. This rule impact statement was prepared on:** September 15, 2025  
**Modified on:**