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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix H. De Minimis Facilities [AMENDED]
Appendix I. Insignificant Activities (Registration) List [AMENDED]
Appendix J. Trivial Activities (De Minimis) List [AMENDED]

SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to replace the current versions of Appendices H, I, and J with updated copies to ensure that the list of activities contained in each appendix is suitably complete and up-to-date for its respective permitting program. This rulemaking action is paired with a separate rulemaking proposal that would revise the definitions of "de minimis facility," "insignificant activities," and "trivial activities," which correspond to Appendices H, I, and J, respectively. The net effect of these two rulemakings is to revise the three existing definitions and ensure that the items included on Appendices H, I, and J align with their respective constraints. The gist of this rule proposal is to ensure that the de minimis activities, insignificant activities, and trivial activities lists contain only those items that meet the appropriate definitions, to better support permit applicants and DEQ throughout the permitting process.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106: establishes a 13-member, rule-promulgating body for DEQ with authority to review, adopt, amend or repeal rules required to execute environmental laws and policies. Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107: establishes a governor-appointed, stakeholder-driven body that holds public hearings and formally recommends all state air quality rules before adoption by the Environmental Quality Board, 27A O.S. §§ 2-5-101 through 2-5-130: Oklahoma Clean Air Act, establishes legal framework for Oklahoma's air quality program, granting DEQ statutory authority to monitor air quality, issue permits, enforce compliance, and implement requirements under the federal Clean Air Act, 27A O.S. §§ 2-14-101 through 2-14-304: Oklahoma Uniform Permitting Act, authorizes DEQ to develop and implement a three-tier permitting system that unifies public participation, legal notice requirements, and administrative procedures for all permits issued by DEQ.

COMMENT PERIOD:

Written comments may be submitted to the contact person from November 2, 2026, through December 2, 2026. Oral comments may be made at the December 9, 2026, Air Quality Advisory Council meeting and at the January 20, 2027, Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:30 a.m. on December 9, 2026, 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 January 20, 2027, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

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:

DEQ requests that business entities or any other members of the public affected by these rules provide DEQ, 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://oklahoma.gov/deq/divisions/executive-offices/office-of-communication-and-education/events/2026/december/aqac-12-9-26.html.

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://oklahoma.gov/deq/divisions/executive-offices/office-of-communication-and-education/events/2026/december/aqac-12-9-26.html. Copies may also be obtained from DEQ by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Tom Richardson, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments to 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: Tom Richardson.

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.