

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1 [AMENDED]

Part 3. Construction Permits

252:100-7-15 [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 1. General Provisions

252:100-8-1.1 [AMENDED]

Part 5. Permits for Part 70 Sources

252:100-8-5 [AMENDED]

Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas

252:100-8-32.1 [AMENDED]

252:100-8-34 [AMENDED]

252:100-8-35 [AMENDED]

252:100-8-35.1 [AMENDED]

Subchapter 10. Emission Reduction Credits [NEW]

252:100-10-1 [NEW]

252:100-10-2 [NEW]

252:100-10-3 [NEW]

252:100-10-4 [NEW]

252:100-10-5 [NEW]

252:100-10-6 [NEW]

252:100-10-7 [NEW]

SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to add a new Subchapter 10 to Chapter 100 that would create a voluntary ozone precursors trading program under the Prevention of Significant Deterioration (PSD) permitting program. DEQ is further proposing to amend Subchapters 7 and 8 to properly tie provisions of the minor New Source Review (NSR) and PSD permitting processes to the new Subchapter 10. The gist of this rule proposal is to build a trading program that would allow facilities to use off-site emissions offsets, called Emission Reduction Credits (ERCs), within the attainment NSR regulatory framework, with the goal of supporting economic development while simultaneously improving air quality conditions.

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 June 15, 2026, through July 15, 2026. Oral comments may be made at the July 22, 2026, Air Quality Advisory Council meeting and at the September 9, 2026, Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:30 a.m. on July 22, 2026, at the Aaronson Auditorium, Central Library Branch, Tulsa City-County Library System, 400 Civic Center, Tulsa, OK 74103.

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 September 9, 2026, at the Guymon City Council Chambers, 424 North Main Street, Guymon, OK 73942.

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/july/aqac-7-22-26.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/july/aqac-7-22-26.html>. Copies may also be obtained from DEQ by calling the contact person listed below.

CONTACT PERSON:

The contact person for this proposal is Melanie Foster, 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: 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.