

## **Public Participation in Air Quality Processes: Quick Reference Guide**

### **I. Rulemaking**

All air quality rule changes go through a public hearing and comment process and must be approved on several different levels before any rule change becomes final (promulgated and effective). There is a specific time in the life of a rule when anyone and everyone's opinion can be heard.

#### **Process for Non-emergency Rulemaking Applicable to Public Comment**

1. Need for new rule arises, usually due to a change in state statute or federal policy.
2. Rule writers at DEQ draft rule.
3. Notice for the rule is published in the Oklahoma Register at least 30 days before Air Quality Advisory Council meeting.
  - a. **Rule is now open for written comments**
4. Public hearing for rule is held at the Air Quality Advisory Council meeting.
  - a. **Oral comments may be made at this meeting**
5. If Air Quality Advisory Council votes to recommend adoption of the rule, rule goes to the Environmental Quality Board.
6. If Environmental Quality Board votes to adopt the rule, rule goes to Legislature and Governor for approval or disapproval.

#### **Staying Informed**

If you want to find out when a rule is going through the process, you have a few options. You can read the Oklahoma Register and look for a **“Notice of Rulemaking Intent.”** You can also visit, <https://oklahoma.gov/deq/about/advisory-councils/air-quality-advisory-council> where you can see the Notice of Rulemaking Intent, when and where the rules will be proposed, view the agenda for the Air Quality Advisory Council meetings, and also read the proposed rule. If you like, you can sign up to receive these notices via e-mail or regular mail. Signing up for notices also puts you on the mailing list for State Implementation Plan meetings and hearings. To sign up for the mailing list online, go to <https://oklahoma.gov/deq/divisions/air-quality/air-quality-notifications>.

#### **Commenting**

If you'd like to comment on a rule in writing, you must do so before or during the Air Quality Advisory Council meetings where the rule will be considered. To comment before the meeting, simply compose an email and send it to [AQDRuleComments@deq.ok.gov](mailto:AQDRuleComments@deq.ok.gov) or compose a comment letter and send it to the contact person and address listed in the notice or to:

Oklahoma Department of Environmental Quality  
Air Quality Division  
PO Box 1677  
Oklahoma City, OK, 73101-1677

To comment orally at the council meeting, join us at the meeting location and fill out a “Notice of Oral Comment.” These forms can be found at the sign-in table. Give the completed form to the person attending the sign-in table. You will be called up to comment during the appropriate time in the meeting. DEQ is required to consider official comments made on a proposed rule. DEQ maintains a summary of comments received during the written comment period(s) and provides it to the Council or Board prior to it taking

action on the rule. You may also make oral comments on the proposed rule at the Board meeting where the rule will be considered for final adoption.

**Things to keep in mind:**

- Only rules and topics on the agenda may be discussed at that specific meeting.
- Only the portion of the rule which is indicated for change in the Notice of Rulemaking Intent is open for changes during that meeting.
- Submit comments as early during the comment period as possible to give council members and staff ample time to review and respond to your comment.

**Petitions for Rulemaking**

There is a second rulemaking process that is much less common, wherein a member of the public or an organization requests the DEQ change its rules. This is called a Petition for Rulemaking and is addressed in DEQ's rule OAC 252:4-5-3. The Petition should include specific recommended rule language and a justification for the proposed change. Petitions must use the form in Appendix A of OAC 252:4 and be filed with the DEQ. Petitions to change air quality rules go before the Air Quality Advisory Council for a vote, and if the Council votes in favor of the Petition for Rulemaking the rule will follow a process very similar to that of regular rulemaking. In order to increase chances of success, it is very important that those who file a Petition of Rulemaking fully educate themselves not only on the environmental aspects of the issue but also on the technical, financial, and political aspects. Petitions for Rulemaking should be submitted to:

Oklahoma Department of Environmental Quality  
ATTN: Office of General Counsel  
PO Box 1677  
Oklahoma City, OK 73101-1677

**II. Permits**

The major source permit program includes processes for the public to comment and/or petition EPA regarding major source permits in Oklahoma. The following paragraphs summarize the processes for various major source permit actions.

**Title V Permits**

When a facility applies for an individual Title V permit, the permit must be made available for public review and petition. The permit must first go through an **initial 30-day period which allows time for public review and comment**. After that, the permit goes through a 45-day review period during which EPA reviews the permit. For operating permits, after EPA approves the permit, **the public is allowed 60 days to petition EPA to reject the permit**. These 60 days begin on the date the permit was issued. Permit drafts with attachments, final permits, and permits open for petition can be viewed either in the applicable DEQ office or on the DEQ website at <https://oklahoma.gov/deq/permits/air-permits/pp-ip>. The DEQ website will also include a copy of each notice published pertaining to the permit and any public meeting to be held. Permit files for the Tulsa area are held at the Tulsa office and permit files for the remainder of the state are held at the Oklahoma City office in Central Records.

**Construction Permits**

A new facility and certain modifications at an existing facility may trigger the need for a construction permit under the major source rule. When required, the permit must be made available for public and EPA review.

The permit must first go through an **initial 30-day period which allows time for public review and comment**. After that, the permit goes through a 45-day review period during which EPA reviews the permit. Permit drafts with attachments and final permits can be viewed either in the applicable DEQ office or on the DEQ website at <https://oklahoma.gov/deq/permits/permit-assistance/permits-for-public-review>. Permit files for the Tulsa area are held at the Tulsa office and permit files for the remainder of the state are held at the Oklahoma City office in Central Records. Facilities that choose to use a general permit will not be listed on the website for review.

### Significant Modifications

Certain modifications at an existing facility may trigger the need for a significant permit modification. The permit must be made available for public and EPA review. The permit must first go through an **initial 30-day period which allows time for public review and comment**. After that, the permit goes through a 45-day review period during which EPA reviews the permit. For operating permits, after EPA approves the permit, **the public is allowed 60 days to petition EPA to reject the permit**. These 60 days begin on the date the permit was issued. Permit drafts with attachments and final permits can be viewed either in the applicable DEQ office or on the DEQ website at <https://oklahoma.gov/deq/permits/air-permits/pp-ip/air-permits-open-for-public-petition>. The DEQ website will also include a copy of each notice published pertaining to the permit and any public meeting to be held. Permit files for the Tulsa area are held at the Tulsa office and permit files for the remainder of the state are held at the Oklahoma City office in Central Records.

### **III. Other Documents**

The Air Quality Division drafts other documents throughout the year that may be available for public review. Some of these documents are updated each year, like the Air Monitoring Network Plan discussed below. Others, like Infrastructure State Implementation Plans, only occur every few years in response to actions taken by EPA. When any of these documents are available for review, notice will be placed on the Air Quality Division's homepage. For many of these documents, email or text notifications will also be sent out to those that have signed up to receive them. You can sign up here: <https://oklahoma.gov/deq/divisions/air-quality/air-quality-notifications>.

### Monitoring Network

The Air Monitoring Network Plan, which details DEQ's planned changes to the ambient monitoring network, is available annually in June for public review on the website prior to its submittal to EPA by July 1. In addition, every five years, DEQ develops a "5 Year Network Assessment," which is also available for public review on the website in the appropriate years, the next being 2020. See <https://oklahoma.gov/deq/divisions/air-quality/forms-public-participation>.

### **IV. Complaints**

Air quality complaints are handled, at least initially, in a separate division within DEQ, the Environmental Complaints and Local Services Division. To file a complaint, call the toll-free hotline for Oklahomans to report environmental complaints. The hotline is manned 24 hours a day, seven days a week. The number is **1-800-522-0206**. You may also file complaints online at <https://oklahoma.gov/deq/divisions/ecls/contact/complaints-form>.