

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Administrative Rules Report | Executive Order 2020-03

Comprehensive Review of Administrative Rules as of July 31, 2020

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Method Used to Conduct Review: On July 1, 2018, DEQ began implementation of a five year strategic plan (“Leading the Way”), which included a process of systematically reviewing all State statutes directly relevant to or implemented by DEQ and all DEQ regulations, and to develop a prioritized list of those statutes or administrative rules that are in need of clarification, streamlining, or elimination. After Executive Order No. 2020-03 was issued on February 3, 2020, DEQ incorporated the administrative rule review required under the Executive Order into this ongoing process. As part of this effort, DEQ established internal workgroup groups that conducted critical and comprehensive reviews and evaluations of the administrative rules implemented by each DEQ Division/Program. The result of this comprehensive review was the identification of costly, ineffective, duplicative, outdated, or unnecessary regulations. This DEQ Rules Report lists the rule sections, subsection, and/or appendices that were identified as costly, ineffective, duplicative, outdated, and/or unnecessary.

TOTAL NUMBER OF UNNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULATIONS (SECTIONS/SUBSECTIONS): 155*

* It is important to mention that many of DEQ’s programs are federally delegated programs and require DEQ to regularly incorporate by reference the Federal regulations associated with each program or to promulgate State regulations that are at least as protective as the corresponding Federal requirements. Since the Federal regulations associated with the multitude of Federal programs that DEQ implements are continuously evolving, it is necessary for DEQ to regularly revise its rules to reflect those changes to the Federal programs in order to maintain the State’s delegation or primacy for the individual programs. Many of the rules identified as “outdated” below are merely due for a routine update to the relevant incorporation by reference date contained in the various Chapters of each program’s rules.

Title 252. Department of Environmental Quality Chapter 4. Rules of Practice and Procedure

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-1-5	Availability of Record	6-11-01					X		These provisions need to be updated to reflect current procedures for electronic records.
252:4-1-7	Fee credits for	6-11-01					X	X	Unnecessary and unused provision.

	regulatory fees								
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Subchapter 3. Meetings and Public Forums

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-3-2(b)	Public forums/ Location	6-11-01						X	Statement that “Each [Board or Council] forum may be held at a different location in the state” is unnecessary, and construction makes purpose somewhat ambiguous.

Subchapter 5. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-5-1	Adoption and revocation	6-11-01			X	27A:2-2-101 and other statutes			Duplicates information directly covered in Statute.

Subchapter 7. Environmental Permit Process

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-7-2	Preamble	6-11-01			X	Uniform Permitting Act, 27A:2-14-101 <i>et seq.</i> , in particular § 2-14-103			Duplicates information provided in Statute.
252:4-7-13(a)	Notices/ Statutory requirement for notice	6-11-01			X	Uniform Permitting Act, 27A:2-14-101 <i>et seq.</i>			Duplicates information provided in Statute.

252:4-7-4	Filing an application	6-11-01					X		Requires copies to include submittals in electronic format. Remove the requirement for multiple hard copies.
252:4-7-13(e)	Notices; Exception to Notice Requirement	6-11-01			X	252:4-7-58(1)(A)			Delete 252:4-7-13(e) since the language is essentially duplicated under Tier I in 252:4-7-58(1)(A).
252:4-7-51	Waste management time lines	6-11-01					X		Change title to “Land protection time lines”
252:4-7-55(2)	Radiation management applications – Tier I	6-11-01					X		Delete (2). The rules for X-ray fluorescence instruments used for lead-based paint detection (252:410-19) have been revoked.

Subchapter 13. Environmental Education Grants

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-13 (all sections))	Environmental Education Grants	6-11-01						X	Provisions are based in large part on Executive Order 98-37, which doesn't appear to have been renewed.

Subchapter 15. Local Project Funding

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:4-15 (all sections)	Local Project Funding	6-11-01						X	Provisions are based in large part on Executive Order 98-37, which doesn't appear to have been renewed.

**Title 252. Department of Environmental Quality
Chapter 100. Air Pollution Control**

Subchapter 7. Permits for Minor Facilities

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-7-1.1	Definitions	6-25-98		X			X		Definition for "De Minimis Facility" needs to be updated and include terminology to match "permit exempt" for NSPS/NESHAP applicability
252:100-7-15(a)(2)(B)(i)	Construction permit	1-14-94		X					Change language from "...to add [a piece of equipment or a process] that is subject..." to "...to add [an affected facility or source] that is subject..."
252:100-7-15(a)(2)(B)(ii)	Construction permit	1-14-94		X					Change from "actual emissions" to "permitted emissions."

Subchapter 8. Permits for part 70 sources and Major New Source Review (NSR) sources

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-8-2	Definitions	1-14-94		X			X		252:100-8-2 "affected source" definition limited to Acid Rain and may need to be modified to be consistent with use in rest of Subchapter 8. Could add definition of "monitoring" from 40 CFR 64.1.
252:100-8-4(b)(4)	Requirements for construction and operating permits	1-14-94					X	X	252:100-8-4(b)(4) could be removed or shortened

Subchapter 11. Alternative emissions reduction plans and authorizations

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-11-1	Purpose	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-2	Definitions	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-3	Applicability	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-4	Application for alternative emissions reduction plan authorizations	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-5	Emissions reduction requirements and limitations	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-6	Authorization procedures	1-14-94					X	X	Not currently approved into SIP. May need to be submitted or revoked.
252:100-11-7	Duty to comply	6-01-03					X	X	Not currently approved into SIP. May need to be submitted or revoked.

Subchapter 17. Incinerators

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-17-5.1	Alternative incinerator design requirements	7-24-00					X		May need to update with currently approved incinerator technology by possibly including

									Smart Ash Incinerator as Director approved per 252:100-17-5.1.
252:100-17-93(13)	Exemptions	6-15-07		X					Need to change reference 252:100-93(13)(A) to 252:100-17-93(13)(A)
252:100-17-103	Part 70 permits	6-15-07		X					Need to change 17-92 to 17-93

Subchapter 19. Control of emission of particulate matter

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-19-12	Allowable particulate matter emission rates from directly fired fuel-burning units and industrial processes	Prior to 1991 codification		X					Needs possible revision to address potential calculation issues.

Subchapter 23. Control of emissions from cotton gins

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-23-3(b)(2)	Applicability, general requirements	1-14-94		X					252:100-23-3(b)(2) has a reference to the revoked 252:100-41 and should be replaced with 252:100-42.

Subchapter 31. Control of emission of sulfur compounds

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-31-1	Purpose	1-14-94					X	X	In need of revisions and possible elimination because of changes to the standards and a shift in the federal framework.

252:100-31-2	Definitions	1-14-94					X	X	In need of revisions and possible elimination. Need to remove definition of "Petroleum and natural gas process facility" or at a minimum redefine.
252:100-31-4	Excess emission reporting and alternative reporting schedule	7-1-12					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-31-7	Allowable hydrogen sulfide (H ₂ S) ambient air concentrations for new and existing sources	6-1-02					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-31-13	Requirements for existing sulfuric acid plants	1-14-94					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-31-15	Requirements for existing kraft pulp mills	1-14-94					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-31-16	Requirements for existing fossil fuel-fired steam generators	6-1-02					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-31-25	Requirements for new fuel-burning equipment	1-14-94					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.

252:100-31-26	Requirements for new petroleum and natural gas processes	1-14-94						X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
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Subchapter 33. Control of emission of nitrogen oxides

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-33-1	Purpose	1-14-94					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-33-1.1	Definitions	6-1-01					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-33-1.2	Applicability	6-1-01					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.
252:100-33-2	Emission limits	1-14-94					X	X	In need of revisions and possible elimination because of a changes to the standards and shift in the federal framework.

Subchapter 35. Control of emission of carbon monoxide

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-35-1	Purpose	1-14-94					X	X	Change reference to CO NAAQS rather than to Oklahoma Air Quality Standard

Subchapter 37. Control of emission of volatile organic compounds

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-37-16	Loading of volatile organic compounds	1-14-94		X				X	Needs clarification to ensure condensate tanks at compressor stations are not included as loading facilities.
252:100-37-25(a)	Coating of parts and products	1-14-94		X				X	List in 252:100-37-25(a) needs updating

Subchapter 39. Emission of volatile organic compounds (vocs) in nonattainment areas and former nonattainment areas

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100-39-15(d)	Petroleum refinery equipment leaks	1-14-94					X	X	Provides a compliance date of June 30, 1981. Compliance date has lapsed and all affected sources must be in compliance now.
252:100-39-30(d)	Petroleum liquid storage in vessels with external floating roofs	1-14-94					X	X	Provides a compliance date of May 23, 1982. Compliance date has lapsed and all affected sources must be in compliance now.
252:100-39-43(d)	Graphic arts systems	1-14-94					X	X	Provides a compliance date of May 23, 1982. Compliance date has lapsed and all affected sources must be in compliance now.
252:100-39-44(d)	Manufacture of pneumatic rubber tires	1-14-94					X	X	Provides a compliance date of December 31, 1982. Compliance date has lapsed and all affected sources must be in compliance now.
252:100-39-45(e)	Petroleum (solvent) dry cleaning	1-14-94					X	X	Provides a compliance date of October 1, 1986. Compliance date has lapsed and all affected

										sources must be in compliance now.
252:100-39-46(m)	Coating of parts and products	1-14-94					X	X		Provides a compliance date of December 31, 1990. Compliance date has lapsed and all affected sources must be in compliance now.
252:100-39-49(c)	Manufacturing of fiberglass reinforced plastic products	1-14-94					X	X		Provides several old compliance dates. Compliance dates have lapsed and all affected sources must be in compliance now.

Appendix G. Allowable particulate matter emission rates for directly fired fuel-burning units and industrial process

Section/Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100, Appendix G	Allowable particulate matter emission rates for directly fired fuel-burning units and industrial process	1-14-94		X					Related to Subchapter 19-12. Calculations need revisions.

Appendix H. De minimis facilities

Section/Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100, Appendix H	De minimis facilities	6-25-98					X	X	Needs revisions to address NSPS/NESHAP changes. Also, reference to Subpart "000" should be changed to "000."

Appendix I. Insignificant activities (registration) list

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100, Appendix I	Insignificant activities (registration) list emission rates for directly fired fuel-burning units and industrial process	6-25-98					X	X	Needs revisions to address NSPS/NESHAP changes. Header should change "of" to "or" after "State," possibly remove reference to 39,894 gallon/<1.5 psia tanks, and update analysis/laboratory activities reference.

Appendix J. Trivial activities (de minimis) list

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:100, Appendix J	Trivial activities (de minimis) list	6-25-98		X					Needs revisions to address NSPS/NESHAP changes. May need to add SIC/NAICS codes for "Solid Waste Operations" to limit applicability.

**Title 252. Department of Environmental Quality
Chapter 110. Lead-based paint management**

Subchapter 3. Definitions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:110-3- 1	Definitions	7-30-97		X			X	X	"HUD guidelines" definitions being updated; were proposed to AQAC 6/17/20 and will be again 10/21/20

Subchapter 5. Incorporation by reference

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:110-5-1	Incorporation by reference	7-30-97		X			X	X	Outdated reference date being updated; were proposed to AQAC 6/17/20 and will be again 10/21/20

Subchapter 11. Additional LBP Certification Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:110-11-3(b)	Training requirements for initial certification	7-30-97					X		This subsection may be removed as it is pre-delegation terminology
252:110-11-7	Other state or agency certification	7-30-97					X	X	This subsection may be removed as it is pre-delegation terminology

Subchapter 13. Additional Work Practice Standards

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:110-13-5(b)(2)	Testing methodologies	7-30-97					X	X	Need to remove reference to 252:410-19 in subsection (b)(2) which was revoked 7/1/2012.

Subchapter 11. Additional LBP Certification Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:110-15-3(b)	Accreditation of training programs	7-1-12					X		Prior to delegation terminology that needs to be removed.
252:110-15-4(b)	Renovator certification requirements	7-1-12					X		Proposed to remove at AQAC meeting on 6/17/20 and will be presented again at the AQAC meeting on 10/21/20.

252:110-15-5(b)	Certification of firms conducting renovation services	7-1-12					X		Proposed to remove at AQAC meeting on 6/17/20 and will be presented again at the AQAC meeting on 10/21/20.
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**Title 252. Department of Environmental Quality
Chapter 205. Hazardous Waste Management**

Subchapter 5. Additional Generator Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:205-5-3(a-d)	Quarterly Reporting Requirements	11-2-98					X		This provision could be revised to eliminate quarterly reports by integrating with federal tracking system. Revising the rule to clarify that Oklahoma will be using federal inventory of hazardous wastes.
252:205-5-5	Manifest Requirements	11-2-98			X			X	This section should be considered for elimination as the incorporated Federal requirements for manifests make this rule unnecessary when the emanifest system is fully operational.

Subchapter 9. Additional Treatment, Storage, Disposal and Recycling Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:205-9-4	Provisions for on-site inspectors	11-2-98						X	If an onsite DEQ inspector is necessary, this can be included as a provision in the facility's permit.
252:205-9-6(a)	Additional waste analysis	11-2-98			X	252:205-3-2(f)			The requirement of this rule is already incorporated by

	requirements								reference (40 C.F.R. 264.13(a)(1))
252:205-9-6(b)(2)	Additional waste analysis requirements	11-2-98						X	The affidavit requirement is potentially superfluous given what information regarding the waste may be required to be obtained and maintained in 252:205-9-6(b)(1)

Subchapter 15. Transfer Stations

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:205-15-2(d)	Development and Operations Plan	11-2-98		X			X		The first citation referenced in this rule should be removed and language updated to properly reference the quantity provision for a large quantity generator.

Title 252. Department of Environmental Quality
Chapter 221. Brownfields

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:221-1-4	Terms not defined by Code or rule	9-17-10		X				X	Legal citation referenced within section is incorrect and needs to be corrected.
252:221-1-6	Transitioning from Voluntary Cleanup Program to Brownfield Program	9-17-10		X				X	Legal citation referenced within section is incorrect and needs to be corrected.

Subchapter 3. The Brownfield Program

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:221-3-3(9)	Proposal	9-17-10	X						Change from two paper copies to one paper copy for Brownfields Proposals – Cost saving measure
252:221-3-5(a) and 3-5(b)	Public participation	9-17-10	X	X					Add an option for Public Notice and Comment regarding the Proposal to be made available on a public website (DEQ's) to reduce costs to participants and permit easier public access.

Subchapter 5. Verification of Brownfields Projects

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:221-5-1	Applicability	9-17-10					X		Revise. Update outdated statutory reference to the current version.

Subchapter 7. Revolving Loan Funds (RLF)

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:221-7-1(a)	Purpose	9-17-10					X		Remove citation for outdated Executive Order and replace with updated language.
252:221-7-1(b)	Authority	9-17-10					X		Remove outdated Executive Order
252:221-7-1(d)	Purpose, authority and applicability; Oklahoma Department of Commerce	9-17-10					X		Revise. Delete current language because the Oklahoma Department of Commerce is no longer the RLF fund manager and replace with language stating that DEQ utilizes an RLF Fund Manager to ensure that

									loan applicants meet all financial requirements.
252:221-7-1(e)	Purpose, authority and applicability; Federal "cross-cutting" requirements	9-17-10					X		Delete last sentence in paragraph to remove legal references to decrease unnecessary content as the first sentence provides sufficient explanation.
252:221-7-2	Definitions	9-17-10					X		Delete the definition "RLF response" as that terminology is outdated.
252:221-7-2	Definitions	9-17-10					X		Delete reference to the Oklahoma Department of Commerce in the definition of "Borrower".
252:221-7-2	Definitions	9-17-10					X		Delete the following definitions as they are unnecessary after paragraph 7-3 (Borrower eligibility) update: Governmental borrower, loan discount, nonprofit borrower, and private borrower.
252:221-7-3	Borrower eligibility	9-17-10					X		Revise. Update Eligibility requirements as they have changed. Also, there are now two sources of funding with different eligibility requirements.
252:221-7-4	Eligible uses	9-17-10					X		Revise. Update to add additional wording to indicate that the active grant and the post-closeout program income funding may have different eligible uses.
252:221-7-5(b)	Ineligible fund uses	9-17-10					X		Revise. Update to add additional wording to indicate that the active grant and the

									post-closeout program income funding may have different ineligible uses.
252:221-7-7(d)	Project selection criteria, Environmental compliance history	9-17-10					X		Delete outdated legal citation
252:221-7-9 (c)(4)	Public Involvement, Public notice	9-17-10					X		Delete (4) as it is unnecessary to address and renumber the section.
252:221-7-11	Special terms and conditions	9-17-10					X		Delete the first sentence of this paragraph as it is unnecessary and redundant. Renumber the section.

**Title 252. Department of Environmental Quality
Chapter 301. Laboratory Accreditation**

Subchapter 9. Quality Assurance/Quality Control

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:301-9-56(b)(9)	QA/QC documentation	7-11-08					X		Does not meet today's recording keeping processes of electronic documentation. Delete requirement to keep bound logbook.
252:301-9-56(b)(10)	QA/QC documentation	7-11-08					X		Does not meet today's recording keeping processes of electronic documentation. Delete requirement to keep bound logbook.

**Title 252. Department of Environmental Quality
Chapter 302. Field Laboratory Accreditation**

Subchapter 9. Quality Assurance/Quality Control

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:302-9-2(3)	Format	7-1-11		X				X	Too extensive in details for field quality assurance requirements
252:302-9-2(5)	Format	7-1-11		X				X	Too extensive in details for field quality assurance requirements
252:302-9-3(6)	Management information required in QA plan	7-1-11		X				X	Too extensive in details for field quality assurance requirements
252:302-9-23	Test Method(s)	7-1-11	X	X				X	Too extensive in details for field method performance

**Title 252. Department of Environmental Quality
Chapter 305. Laboratory Services**

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:305-1-5	Severability	5-26-94						X	Severability is a contract concept that is inappropriate and unnecessary in rules.
252:305-1-7(d)	Laboratory Services-Exceptions	5-26-94					X	X	Remove subsection (d) as there are no such exceptions to services provided.

**Title 252. Department of Environmental Quality
Chapter 410. Radiation Management**

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
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252:410-1-1(d)	Effective date	6-1-00					X		Delete subsection (d). The effective date was many years ago and is no longer necessary.
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Subchapter 5. Certification of Industrial Radiographers

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:410-5-5	Out-of-state certification; reciprocity recognition	6-1-00						X	Delete. This system is not used by other states, and was never implemented. No preregistration as described in the rule was ever implemented or necessary.

Subchapter 7. Radiation Management Authorizations; Procedures and Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:410-7-1(d)(2)	Radiation management authorizations in general; Types	6-1-00						X	Delete subsection (d)(2). Subchapter 19 has been revoked.
252:410-7-5(b)	Authorization transfers; Transferability	6-1-00		X			X	X	Subchapter 19 has been revoked. Remove "industrial radiography certification" and "LBP-XRF permits" from the rule language.
252:410-7-31(1)	DEQ reciprocity recognition	6-1-00		X			X	X	Delete subsection (1). Subchapter 19 has been revoked. LBP-XRF guns are regulated under a different system and no longer need to be listed separately.
252:410-7-31(2)	DEQ reciprocity recognition	6-1-00		X			X	X	Delete subsection (2). This would be removed as a result of 252:410-5-5 (line 13) being deleted.

**Title 252. Department of Environmental Quality
Chapter 515. Management of Solid Waste**

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-1-2	Definitions	6-1-03			X	252:515-21-2			Delete definition of "Used Tire" because it is duplicated in 252:515-21-2
252:515-1-8(b)	Special considerations; permit upgrades	6-1-03					X		Delete subsection (b). It is outdated, timeline has passed
252:515-1-8(c)	Special considerations; Compliance required	6-1-03					X		Delete subsection (c) because it is outdated, timeline has passed

Subchapter 9. Groundwater Monitoring/Corrective Action

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-9-31(a)	Background water quality; Existing facilities	6-1-03						X	Delete. Different sampling protocol for wells installed at facilities permitted prior to, or after 1994 is confusing and unnecessary
252:515-9-31(b)	Background water quality; New facilities with exception	6-1-03					X		Delete. Different sampling protocol for wells installed at facilities permitted prior to, or after 1994 is confusing and unnecessary
252:515-9-96(c)(1)	Groundwater protection standard; Background above MCL; Published	6-1-03					X		Remove outdated EPA method reference.

	health-based level.								
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Subchapter 13. Leachate Collection and Management

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-13-52(b)	Storage	6-1-03					X		Remove specific reference to OCC rule citation that has since changed. Refer to OCC rules generally.

Subchapter 17. Stormwater Management

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-17-3(b)(2)	Discharges; Land disposal facilities	6-1-03						X	Delete subsection (b)(2) if construction stormwater permitting is not required when landfills have general stormwater permit. Run on/runoff control requirements included elsewhere in 252:515.

Subchapter 19. Operational Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-19-33(a)(5)	Measuring waste; Land disposal facilities; Monthly reports.	6-1-03						X	Remove the requirement to submit monthly reports to DEQ.
252:515-19-50(d)	Slope limits; slope correction	7-1-13						X	Remove the last two sentences which is language that describes that enforcement may occur for failure to follow the rule. The statement is redundant and unnecessary.

252:515-19-131	Applicability	6-15-07						X	Delete. Wheel wash funding was revoked.
252:515-19-133	Definitions	6-15-07						X	Delete. Wheel wash funding was revoked.
252:515-19-138	Water management and control	6-15-07						X	Delete. Wastewater and solids generated from wheel washes do not warrant a separate section of rules. Other rules regulate management of wastewater and solids at landfills.

Subchapter 21. Used Tire Processing, Certification, Permits and Compensation

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-21-72	Ineligible for compensation	6-1-03					X		Revise. Make consistent with statutory changes
252:515-21-74	Partial compensation for projects identified in Part 9	6-1-03					X		Revise. Make consistent with statutory changes

Subchapter 23. Regulated Medical Waste Management

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515-23-31(b)	General; Acceptable waste	6-1-03						X	Delete subsection (b). Provision that only medical waste received at medical waste facilities. Variances to allow acceptance other types of wastes (medical marijuana) have been approved.

Subchapter 27. Cost Estimates and Financial Assurance

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515- 27-4(b)	Updating; Annual updates and adjustments	6-1-03						X	Delete subsection (b). If April 1 dates in subchapter are changed to April 9, this subsection may be deleted.

Subchapter 41. Roofing Material Recycling

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:515- 41-5	Duration of permit	7-1-13			X	252:515-3- 5			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.
252:515- 41-6	Permit transfer	7-1-13			X	252:515-3- 6			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.
252:515- 41-7	Permit applications and requirements	7-1-13			X	252:515-3- 31			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.
252:515- 41-8	Variance from the rules of this Chapter	7-1-13			X	252:515-3- 32			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252: 515-3 and should be removed.
252:515- 41-9	Oath required	7-1-13			X	252:515-3- 33			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.

252:515-41-10	Legal right to property	7-1-13			X	252:515-3-34			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.
252:515-41-11	Permit applications	7-1-13			X	252:515-3-36			Delete. These rules are duplicative of the permit requirement specified for all facilities in 252:515-3 and should be removed.
252:515-41-13	Monthly reports.	9-12-18						X	Delete. If monthly reports for land disposal facilities (line 27 above) no longer need to be submitted to DEQ then this requirement should change as well.

Title 252. Department of Environmental Quality

Chapter 606. Oklahoma Pollutant Discharge Elimination System (OPDES) Standards

Subchapter 1. Introduction

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:606-1-3	Adoption of U.S. EPA regulations by reference	6-11-04			X	252:690-1-4			Chapter 690 also has an incorporation by reference section, labeled as potentially duplicative in this exercise, with some amount of overlap. The duplicative section could be amended to reference this section.
252:606-1-4	Date of federal regulation incorporated	6-11-04			X	252:690-1-4.1			This section says 40 C.F.R. as published on July 1, 2018. Chapter 690 says as published in 2016. The duplicative section could be amended to reference the regulations incorporated by this

										section, and avoid inconsistent incorporations by reference of different versions of the Federal regulations.
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Subchapter 5. Discharge Permit Requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:606-5-4	Water quality standards variance	6-11-04			X	785:45-5-4(e)		X	WQS variances are addressed in OWRB WQS Chapter 45 (785:45). It is not necessary to state that the permittee must submit written evidence of the variance to DEQ in the rules.
252:606-8-2	Permit Applications	7-1-09					X		Amend to allow for electronic submittal of applications.
252:606-11-2	Laboratory analyses and reporting	6-11-04					X		Amend to be consistent with e-reporting rule (as amended) and current eDMR submittal requirements.

Title 252. Department of Environmental Quality
Chapter 611. General Water Quality

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:611-1-3	Adoption and incorporation	6-1-01					X		Needs to be updated.
252:611-1-6	Nonpoint source pollution control	6-1-01			X	OCC/ODAFF regulations		X	Nonpoint source pollution is regulated by other agencies

Subchapter 5. Certifications

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:611-5-1(c)	Proposed or required site assessment and remediation projects	6-1-01					X		Reference to Chapter 605 needs to be updated to reference Chapter 606.
252:611-5, Supplemental Information	Glossary of terms	6-1-01			X			X	Terms included in the glossary are not necessary or defined elsewhere

Title 252. Department of Environmental Quality
Chapter 621. Non-Industrial Discharging and Public Water Supply Lagoons

Subchapter 7. Monitoring, reporting, inspections and records requirements

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
252:621-7-2	Accidental spills and discharges	6-1-01					X		Reference to OAC 252:605 needs to be updated to reference OAC 252:606.

**Title 252. Department of Environmental Quality
Chapter 623. Pretreatment for Central Treatment Trusts**

Subchapter 1. General Provisions

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
252:623-1-7	Incorporation by reference	7-1-12					X		The last incorporation of Federal requirements was as of July 1, 2011, and needs to be updated to incorporate current Federal requirements.

**Title 252. Department of Environmental Quality
Chapter 626. Public Water Supply Construction Standards**

Subchapter 3. Permit procedures

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:626-3-1(a)(3)	General	6-1-01			X	252:624			This subsection may be removed because Chapter 624 addresses how minor water systems are approved and regulated.

Subchapter 7. Source Development

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:626-7-4(c)(3)	Ground water	6-1-01		X			X		Revise to eliminate requirement for surface casing and better

										define well casing and its requirements.
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**Title 252. Department of Environmental Quality
Chapter 656. Water Pollution Control Facility Construction Standards**

Subchapter 3. Permit procedures

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:656:3-5(e)	Plans and specifications	6-1-00	X						Suggest more specifically defining redundancy requirements within subsection(s) pertaining to each different type of treatment unit and remove this general requirement.

Subchapter 9. General Standards

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:656-9-2(e)	Essential facilities	6-1-00						X	All electrical installations required to meet the requirements of the National Electrical Code, not just where hazardous gases accumulate.

Subchapter 27. Water Reuse

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:656-27-1	Categories of reclaimed water	7-1-12			X				Appears verbatim in 252:627-1-6.

Title 252. Department of Environmental Quality
Chapter 690. Water Quality Standards Implementation

Subchapter 1. Introduction

Section/ Subsection	Title	Date Last Updated	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
252:690-1-1	Purpose and applicability	6-13-02			X	Numerous other chapters		X	Citing all the additional chapters may not be necessary. They apply whether they are referenced and many don not have provisions that affect implementation of WQS. At minimum, reference to Chapter 220 should be revised to reference Chapter 221.
252:690-1-4	Incorporation of USEPA regulations by reference	6-13-02			X	252:606-1-3, 252:205-3-2, and numerous other chapters		X	This section has portions duplicated in Chapters 205, 606, and makes references to other DEQ rules chapters (205, 606, 611, and 652). In 252:690-1-4(1)(A) through (L), the whole of the incorporations by reference regarding hazardous waste

Section/ Subsection	Title	Date Last Updated	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
									<p>management, as applicable to implementation of state water quality standards, is derived from the code of federal regulations incorporated in Oklahoma's Hazardous Waste Management rules at 252:205-3-2. Rather than duplicate the above section in 252:690-1-4(1), and have another place for incorporation of the portions of the federal hazardous waste regulations within state rules (which requires opening this chapter to the rulemaking process to amend and update the necessary provisions), a reference in 690-1-4(1) to the operative</p>

Section/ Subsection	Title	Date Last Updated	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
									incorporated federal regulations for hazardous waste management, as adopted in 252:205-3-2, will streamline the process for incorporation of any future changes in the federal regulations, and will ensure that the operative provisions are updated appropriately and timely during the time of the hazardous waste

Subchapter 3. Point Source Discharges

Section/ Subsection	Title	Date Last Updated	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
252:690-3-17	Implementation of narrative toxicity criterion for the Fish and Wildlife Propagation beneficial use using whole effluent toxicity	6-13-02			X	252:690-3-17 through 3-43		X	This section merely references other OAC subsections.

Section/ Subsection	Title	Date Last Updated	Costly	Ineffective	Duplicative	Location Of Duplication	Outdated	Unnecessary	Explanation of determined category
252:690-3-20	Interim strategy for implementation of narrative toxicity criterion for ammonia	6-13-02						X	This section merely introduces the succeeding sections.
252:690-3-25	Concurrent ammonia, pH and WET testing	6-13-02						X	Second sentence appears unnecessary.

Subchapter 5. Groundwater Protection

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
252:690-5-10	Land Application of Biosolids	6-13-02			X	252:606	X		Currently references 252:648; Should be updated to reference 252:606
252:690-5-17	Solid Waste Disposal Sites	6-13-02			X	252:515	X		Currently references 252:510; Should be updated to reference 252:515. Also, reference to 252:520 should be updated to reference 252:510
252:690-5-18	Land Application of Treatment Plant Sludge	6-13-02			X	252:515	X		Currently references 252:510; Should be updated to reference 252:515. Also, reference to 252:520 should be updated to reference 252:510
252:690-5-1 through -5-19	Essential facilities	6-13-02			X	Title 252, Chapters: 205; 510; 520; 606 ; 611; 616; 621; 626; 631; 641; 645; 648; 652; 656		X	The sections in this chapter appear to merely reference other chapters and/or sections in Title 252.

Appendix A. Water Quality Standards Implementation Plan
 PART II Elements by Jurisdictional Area - Subsection (k) - Land Protection

Section/ Subsection	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated	Unnecessary	Explanation of determined category
(k)(3)(B)	Hazardous Waste/Solid Waste	6-13-02			X	252:515	X		Currently references 252:510; Should be updated to reference 252:515. Also, reference to 252:520 should be updated to reference 252:510

END OF REPORT