

Public Participation in Air Quality Processes: Quick Reference Guide

I. Rulemaking process/comments

All air quality rules have to go through a public hearing and comment process and must be approved on several different levels before any rule becomes final. 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 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 adopt the rule, rule goes to the Environmental Quality Board.
6. If rule passes Environmental Quality Board, 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 could also visit http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm, 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 <http://www.deq.state.ok.us/aqdnew/AdvisorySignUp.htm>. To sign up for the mailing list via traditional mail, call 405-702-4100.

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 a comment letter and send it to the contact person and address listed in the notice or to:

ATTN: Air Quality Rules and Planning
Oklahoma Department of Environmental Quality
707 N. Robinson
PO Box 1677
OKC, OK, 73101.

To comment orally at the council meeting, join us at the meeting location and fill out a “Notice of Oral Comment”. These forms should be on the front table next to the sign-in sheet. 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 and respond to each official comment made on a rule before that

rule is made final. 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 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:

ATTN: Office of General Counsel
Oklahoma Department of Environmental Quality
707 N. Robinson
PO Box 1677
OKC, OK, 73101

II. Title V Permits

When a facility applies for a 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 <http://www.deq.state.ok.us/aqdnew/permitting/pubreview.htm>. 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 (3105 E. Skelly Dr, Suite 200) and permit files for the remainder of the state are held at the Oklahoma City office in Central Records. Not all facilities must have a custom permit issued. General permits can be viewed at <http://www.deq.state.ok.us/aqdnew/permitting/genperm.htm>

III. Complaints

Air quality complaints are handled 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**. Or file complaints online at <https://applications.deq.ok.gov/OnlineComplaints/>