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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Brad Henry, Governor**  
**M. Susan Savage,**  
**Secretary of State**  
**Peggy Coe, Managing Editor**

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# Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

*For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.*

## **TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM**

*[OAR Docket #08-1249]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT and EMERGENCY rulemaking

### **PROPOSED RULES:**

Chapter 36: Affordable Housing Tax Credit Program Rules  
[AMENDED]

### **SUMMARY:**

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to comply with new changes to U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to changes in the requirements of the Code and Treasury Regulations.

### **AUTHORITY:**

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 PM on or before November 5, 2008. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

### **PUBLIC HEARING:**

A public hearing will be held: Wednesday, November 5, 2008 at 1:00 PM, at the offices of OHFA, 100 NW 63<sup>rd</sup>, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, November 1, 2008, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

### **COPIES OF PROPOSED RULES:**

Copies of the Proposed Rules are available on the OHFA website located at [ohfa.org](http://ohfa.org) or are available at the Oklahoma Housing Finance Agency, 100 Northwest 63<sup>rd</sup>, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be issued and made available on or before October 1, 2008 at the offices of OHFA.

### **CONTACT PERSON:**

Darcy Green, Housing Development Program Supervisor, 1-(405)-419-8145 or Pamela Miller, Housing Finance Analyst, 1-(405)-419-8134.

*[OAR Docket #08-1249; filed 9-9-08]*

## **TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION**

*[OAR Docket #08-1248]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Teacher Preparation Program Accreditation  
712:10-5-1 [AMENDED]  
712:10-5-2 [AMENDED]  
712:10-5-3 [AMENDED]  
712:10-5-4 [AMENDED]

Subchapter 7. Teacher Preparation Teacher Assessment  
712:10-7-1 [AMENDED]

## Notices of Rulemaking Intent

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### **SUMMARY:**

The proposed revisions to Subchapter 5 would eliminate the on-site portfolio review and require instead that institutions provide specific portfolio information for review during the regularly scheduled accreditation visit. Revisions would also align program review recognition decisions with National Council for Accreditation of Teacher Education (NCATE) and for state recognition of programs which meet specified criteria. The proposed revisions to Subchapter 7 would allow Oklahoma educators who are seeking Speech Language Pathology and School Psychologist national certification and who have completed a comparable national subject area test, to be exempt from the subject area portion of the Oklahoma assessment requirement. Revisions would also exempt Oklahoma educators seeking Psychometrist and School Psychologist certification from portions of the Oklahoma assessment requirement which are not part of their program standards.

### **AUTHORITY:**

Oklahoma Commission for Teacher Preparation, 70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on October 31, 2008 at the following address: Ted Gillispie, Oklahoma Commission for Teacher Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

### **PUBLIC HEARING:**

A public hearing will be held from 9:00 a.m. to 11:00 a.m. on Monday, November 3, 2008 in the Gene Howard Board

Room, Landmark Towers, 3545 NW 58<sup>th</sup> St., Oklahoma City, OK, 73112-4725.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Ted Gillispie, at the above address, before the close of the comment period.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the Commission for Teacher Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Commission for Teacher Preparation at the above address beginning on October 15, 2008.

### **CONTACT PERSON:**

Ted Gillispie, Executive Director, (405) 525-2612

*[OAR Docket #08-1248; filed 9-4-08]*

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# Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

*For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.*

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

*[OAR Docket #08-1242]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 1. General Provisions

252:100-1-3. Definitions [AMENDED]

252:100-1-4. Units, abbreviations and acronyms [AMENDED]

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-1.1. Definitions [AMENDED]

### **SUBMITTED TO GOVERNOR:**

August 29, 2008

### **SUBMITTED TO HOUSE:**

August 29, 2008

### **SUBMITTED TO SENATE:**

August 29, 2008

*[OAR Docket #08-1242; filed 8-29-08]*

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

*[OAR Docket #08-1243]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 8. Permits for Part 70 Sources

Part 5. Permits for Part 70 Sources

252:100-8-2. Definitions [AMENDED]

252:100-8-4. Requirements for construction and operating permits [AMENDED]

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

252:100-8-30. Applicability [AMENDED]

252:100-8-31. Definitions [AMENDED]

252:100-8-33. Exemptions [AMENDED]

252:100-8-37. Innovative control technology [AMENDED]

252:100-8-38. Actuals PAL [AMENDED]

Part 9. Major Sources Affecting Nonattainment Areas

252:100-8-50. Applicability [AMENDED]

252:100-8-50.1. Incorporation by reference [AMENDED]

252:100-8-51. Definitions [AMENDED]

252:100-8-51.1. Emissions reductions and offsets [AMENDED]

252:100-8-52. Applicability determination for sources in attainment areas causing or contributing to NAAQS violation [AMENDED]

252:100-8-53. Exemptions [AMENDED]

252:100-8-54.1. Ozone and PM-10 precursors [NEW]

252:100-8-55. Source obligation [NEW]

252:100-8-56. Actuals PAL [AMENDED]

### **SUBMITTED TO GOVERNOR:**

August 29, 2008

### **SUBMITTED TO HOUSE:**

August 29, 2008

### **SUBMITTED TO SENATE:**

August 29, 2008

*[OAR Docket #08-1243; filed 8-29-08]*

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

*[OAR Docket #08-1244]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 17. Incinerators

Part 5. Municipal Waste Combustors

252:100-17-14.1. Definitions [AMENDED]

252:100-17-14.2. Terminology related to 40 CFR [AMENDED]

252:100-17-15. Exemptions [AMENDED]

252:100-17-16. Standards for particulate matter and opacity [AMENDED]

252:100-17-17. Standards for municipal waste combustor metals [AMENDED]

252:100-17-19. Standards for municipal waste combustor organics expressed as total mass dioxins/furans [AMENDED]

252:100-17-20. Standards for nitrogen oxides [AMENDED]

252:100-17-21. Standards for municipal waste combustor operating practices [AMENDED]

252:100-17-24. Standards for municipal waste combustor operator training and certification [AMENDED]

252:100-17-25. Compliance and performance testing [AMENDED]

## Submissions for Review

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252:100-17-26. Reporting and recordkeeping requirements  
[AMENDED]

**SUBMITTED TO GOVERNOR:**

August 29, 2008

**SUBMITTED TO HOUSE:**

August 29, 2008

**SUBMITTED TO SENATE:**

August 29, 2008

*[OAR Docket #08-1244; filed 8-29-08]*

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

*[OAR Docket #08-1245]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 19. Control of Emission of Particulate Matter

252:100-19-1.1. Definitions [AMENDED]

252:100-19-11. Allowable particulate matter emission  
rates from combined wood fuel and fossil fuel fired  
steam generating units [AMENDED]

Appendix C. Allowable Rate of Emissions for Indirectly  
Fired Fuel-Burning Units [REVOKED]

Appendix C. Allowable Particulate Matter Emission Rates  
for Indirectly Fired Fuel-Burning Units [NEW]

Appendix D. Allowable Rate of Emissions for Indirectly  
Fired Wood Fuel-Burning Units [REVOKED]

Appendix D. Allowable Particulate Matter Emission Rates  
for Indirectly Fired Wood Fuel-Burning Units [NEW]

Appendix G. Allowable Rate of Emissions [REVOKED]

Appendix G. Allowable Particulate Matter Emission Rates  
for Directly Fired Fuel-Burning Units and Industrial  
Process [NEW]

**SUBMITTED TO GOVERNOR:**

August 29, 2008

**SUBMITTED TO HOUSE:**

August 29, 2008

**SUBMITTED TO SENATE:**

August 29, 2008

*[OAR Docket #08-1245; filed 8-29-08]*

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# Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

## TITLE 1. EXECUTIVE ORDERS

**1:2008-34.**

### EXECUTIVE ORDER 2008-34

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, hereby declare the following:

1. The anticipation of Hurricane Gustav has caused an emergency of national magnitude which directly affects the Gulf Coast states. In addition, the continued evacuation of individuals and families from the affected areas has produced a state of emergency in the neighboring states, including Oklahoma.
2. It is necessary to provide for the rendering of mutual aid among the State of Oklahoma and its political subdivisions and to cooperate with the Federal government with respect to carrying out disaster emergency functions pursuant to the provisions of the Oklahoma Civil Defense and Emergency Resources Management Act, 63 O.S. §§ 683.1, *et seq.*
3. There is hereby declared a disaster emergency in the State of Oklahoma so that state, county and local governments can adequately respond to the mutual aid requests and needs of the Gulf Coast states.
4. The resources of all State departments and agencies available to meet the emergency are hereby committed to the reasonable extent necessary to prevent injury to persons and protect lives and to prevent, minimize and repair injury and damage to property, the same to be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State of Oklahoma. State agencies involved in carrying out disaster emergency functions may make emergency acquisitions to fulfill the purposes of this order without regard to statutory limitations or bidding requirements on such acquisitions.
5. This declaration of emergency shall terminate as provided in 63 O.S. §683.3(3).

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Emergency Management and all Cabinet Secretaries, who shall cause the provisions of this

order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 29<sup>th</sup> day of August, 2008.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Michelle Waddell  
Acting Assistant Secretary of State

[OAR Docket #08-1246; filed 9-3-08]

**1:2008-34a.**

### AMENDED EXECUTIVE ORDER 2008-34 OF SEPTEMBER 2, 2008

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, hereby declare the following:

1. The anticipation of Hurricane Gustav and Hurricane Ike have caused an emergency of national magnitude which directly affects the Gulf Coast states. In addition, the continued evacuation of individuals and families from the affected areas has produced a state of emergency in the neighboring states, including Oklahoma.
2. It is necessary to provide for the rendering of mutual aid among the State of Oklahoma and its political subdivisions and to cooperate with the Federal government with respect to carrying out disaster emergency functions pursuant to the provisions of the Oklahoma Civil Defense and Emergency Resources Management Act, 63 O.S. §§ 683.1, *et seq.*
3. There is hereby declared a disaster emergency in the State of Oklahoma so that state, county and local governments can adequately respond to the mutual aid requests and needs of the Gulf Coast states.
4. The resources of all State departments and agencies available to meet the emergency are hereby committed to the reasonable extent necessary to prevent injury

## Executive Orders

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to persons and protect lives and to prevent, minimize and repair injury and damage to property, the same to be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State of Oklahoma. State agencies involved in carrying out disaster emergency functions may make emergency acquisitions to fulfill the purposes of this order without regard to statutory limitations or bidding requirements on such acquisitions.

5. This declaration of emergency shall terminate as provided in 63 O.S. §683.3(3).

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Emergency Management and all Cabinet Secretaries, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 9th day of September, 2008.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Kathy Jekel  
Acting Assistant Secretary of State

[OAR Docket #08-1251; filed 9-11-08]

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**1:2008-35.**

### EXECUTIVE ORDER 2008-35

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. 683.1 *et seq.*, hereby declare that, because of the state of emergency existing in the State of Louisiana due to Hurricane Gustav, it is necessary to assist and expedite all efforts of storm relief. In order to accommodate this need and to provide assistance to the citizens of Louisiana in this extraordinary situation, I hereby order temporary suspension of the following as they apply to vehicles used in the support efforts:

1. The requirements for special permits for use of oversized vehicles under Title 47;
2. The requirements for licensing and operating authority as required by the Oklahoma Corporation Commission; and

3. The requirements for licensing and registration as required by the Oklahoma Tax Commission.

This Executive Order does not exempt operators from statutes regulating overweight loads as described in Title 47 §14-109 of the Oklahoma Statutes. This order shall be effective until the end of thirty (30) days after the filing of this Executive Order.

This order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of the State of Oklahoma.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 29<sup>th</sup> day of August, 2008.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
Michelle Waddell  
Acting Assistant Secretary of State

[OAR Docket #08-1247; filed 9-3-08]

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**1:2008-36.**

### EXECUTIVE ORDER 2008-36

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Patriot Day, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Thursday, September 11, 2008, to honor the many innocent people who perished on September 11, 2001.

On that day, more than 3,000 people lost their lives in New York City, Washington, D.C. and Pennsylvania. The flying of the flags at half-staff reflects that Oklahomans remember those killed and demonstrates our sympathy for their families.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8th day of September, 2008.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #08-1250; filed 9-9-08]*

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**1:2008-37.**

**EXECUTIVE ORDER 2008-37**

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. 683.1 *et seq.*, hereby declare that, because of the state of emergency existing in the State of Texas due to Hurricane Ike, it is necessary to assist and expedite all efforts of storm relief. In order to accommodate this need and to provide assistance to the citizens of Texas in this extraordinary situation, I hereby order temporary suspension of the following as they apply to vehicles used in the support efforts:

1. The requirements for special permits for use of oversized vehicles under Title 47;

2. The requirements for licensing and operating authority as required by the Oklahoma Corporation Commission; and
3. The requirements for licensing and registration as required by the Oklahoma Tax Commission.

This Executive Order does not exempt operators from statutes regulating overweight loads as described in Title 47 §14-109 of the Oklahoma Statutes. This order shall be effective until the end of thirty (30) days after the filing of this Executive Order.

This order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of the State of Oklahoma.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 12<sup>th</sup> day of September, 2008.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #08-1252; filed 9-15-08]*

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