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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**Tod Wall,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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

*[OAR Docket #18-357]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)

Part 5. Control of VOCs in Coating Operations

252:100-37-27. [NEW]

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-47. [AMENDED]

Appendix N. Specialty Coatings VOC Content Limits [REVOKED]

Appendix N. Specialty Coatings VOC Content Limits [NEW]

### **SUMMARY:**

The Department is proposing to add a new section 252:100-37-27, "Control of emission of VOCs from aerospace industries coatings operations" for existing or new aerospace vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities. The new section would allow aerospace coating facilities throughout Oklahoma to be regulated under rules specific to the industry as is presently done in section 252:100-39-47 for Tulsa County. Currently, VOC emissions from coating operations at any type of industry are regulated under 252:100-37-25. The new section would reference certain limits set forth in the aerospace National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63, Subpart GG, which are more applicable for this particular industry than the current generic list in 252:100-37-25. Additionally, the Department is proposing to amend 252:100-39-47 to correct minor typographical errors, incorporate the latest changes to the aerospace NESHAP, and ensure regulatory consistency with proposed section 252:100-37-27. Lastly, the Department is proposing to revoke Appendix N and replace it with a new Appendix N. The new Appendix N will correct minor typographical errors and specify its intended use for both sections 252:100-39-47 and 252:100-37-27.

The gist of this rulemaking is to provide the aerospace industry with updated requirements that better reflect current

aerospace industry coating formulations and practices, and to make those rules applicable statewide. This rulemaking would ensure the aerospace industry in Oklahoma has the opportunity to operate as necessary with standards specific to the industry and consistent with rules already in place for Tulsa County to reduce the formation of ozone.

### **AUTHORITY:**

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from May 15, 2018, through June 15, 2018. Oral comments may be made at the June 20, 2018 hearing and at the September 11, 2018 Environmental Quality Board hearing.

### **PUBLIC HEARING:**

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, June 20, 2018, at TulsaTech, 10800 North 140th East Avenue, Owasso, OK 74055. 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 Tuesday, September 11, 2018, in Weatherford, Oklahoma.

The Air Quality Advisory Council hearing shall also serve as the public hearing to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

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

The Department requests that business entities or any other members of the public affected by these rules provide the Department, 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,

## Notices of Rulemaking Intent

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Oklahoma City, Oklahoma, or reviewed online at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after May 15, 2018 on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm). Copies may also be obtained from the Department by calling the contact person listed below.

**CONTACT PERSON:**

The contact person for these proposals 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](mailto: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. The Air Quality Division FAX number is (405) 702-4101.

**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) 702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #18-357; filed 4-25-18]*

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# Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.  
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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## **TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS**

*[OAR Docket #18-350]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions  
86:10-1-2. [AMENDED]  
Subchapter 3. Rules of Professional Conduct  
86:10-3-3. [AMENDED]  
86:10-3-4. [AMENDED]  
Subchapter 7. Application Procedures  
86:10-7-1. [AMENDED]  
86:10-7-2. [AMENDED]  
86:10-7-3. [AMENDED]  
86:10-7-4. [AMENDED]  
86:10-7-5. [AMENDED]  
86:10-7-6. [AMENDED]  
86:10-7-7. [AMENDED]  
86:10-7-8. [AMENDED]  
86:10-7-8.1. [AMENDED]  
86:10-7-9. [AMENDED]  
Subchapter 11. Supervised Experience Requirement  
86:10-11-1. [AMENDED]  
86:10-11-3. [AMENDED]  
86:10-11-5. [AMENDED]  
86:10-11-6. [AMENDED]  
86:10-11-7. [AMENDED]  
Subchapter 15. Licensure Examinations  
86:10-15-1. [AMENDED]  
86:10-15-3. [REVOKED]  
86:10-15-4. [AMENDED]  
86:10-15-6. [REVOKED]  
86:10-15-7. [REVOKED]  
86:10-15-8. [AMENDED]  
Subchapter 19. Issuance of License  
86:10-19-1.1. [REVOKED]  
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86:10-25-2. [AMENDED]  
Subchapter 27. Consumer Information  
86:10-27-3. [REVOKED]  
86:10-27-4. [AMENDED]  
Subchapter 29. Enforcement

86:10-29-16. [AMENDED]  
**SUBMISSION OF ADOPTED RULES TO GOVERNOR  
AND LEGISLATURE:**  
April 2, 2018

*[OAR Docket #18-350; filed 4-9-18]*

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## **TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS**

*[OAR Docket #18-351]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions  
86:15-1-3. [AMENDED]  
Subchapter 3. Rules of Professional Conduct  
86:15-3-1. [AMENDED]  
86:15-3-3. [AMENDED]  
Subchapter 5. Application for Licensure  
86:15-5-2. [AMENDED]  
86:15-5-2.1. [AMENDED]  
86:15-5-2.2. [AMENDED]  
Subchapter 7. Licensure Examinations  
86:15-7-1. [AMENDED]  
86:15-7-3. [REVOKED]  
86:15-7-4. [AMENDED]  
86:15-7-5. [REVOKED]  
86:15-7-6. [REVOKED]  
Subchapter 9. Supervised Experience Requirements  
86:15-9-2. [AMENDED]  
86:15-9-3. [AMENDED]  
86:15-9-5. [AMENDED]  
Subchapter 13. Issuance and Maintenance of License  
86:15-13-4. [AMENDED]  
Subchapter 15. Enforcement  
86:15-15-16. [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

April 2, 2018

*[OAR Docket #18-351; filed 4-9-18]*

## Submissions to Governor and Legislature

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### **TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS**

*[OAR Docket #18-352]*

#### **RULEMAKING ACTION:**

Submission to Governor and legislature

#### **RULES:**

Subchapter 1. General Provisions

86:20-1-2. [AMENDED]

Subchapter 3. Forms

86:20-3-1. [AMENDED]

86:20-3-2. [AMENDED]

Subchapter 5. Rules of Professional Conduct

86:20-5-4. [AMENDED]

86:20-5-6. [AMENDED]

Subchapter 9. Application Procedures

86:20-9-4. [AMENDED]

86:20-9-5. [AMENDED]

86:20-9-6. [AMENDED]

86:20-9-7. [AMENDED]

86:20-9-8. [AMENDED]

86:20-9-9. [AMENDED]

86:20-9-10. [AMENDED]

86:20-9-11. [AMENDED]

86:20-9-12. [NEW]

86:20-9-13. [NEW]

Subchapter 13. Supervised Experience Requirement

86:20-13-1. [AMENDED]

86:20-13-2. [AMENDED]

86:20-13-3. [AMENDED]

86:20-13-5. [AMENDED]

86:20-13-6. [AMENDED]

86:20-13-7. [AMENDED]

Subchapter 17. Licensure Examination

86:20-17-1.1. [AMENDED]

86:20-17-2. [REVOKED]

86:20-17-3. [AMENDED]

86:20-17-4. [REVOKED]

86:20-17-5. [REVOKED]

86:20-17-6. [REVOKED]

86:20-17-6.1. [AMENDED]

86:20-17-7. [AMENDED]

Subchapter 21. Issuance of License

86:20-21-1.1. [REVOKED]

Subchapter 27. Consumer Information

86:20-27-3. [REVOKED]

Subchapter 29. Enforcement

86:20-29-16. [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

April 2, 2018

*[OAR Docket #18-352; filed 4-9-18]*

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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

**1:2018-8.**

### EXECUTIVE ORDER 2018-8

I, Mary Fallin, 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, 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. to 5:00 p.m. Thursday, April 19, 2018, in memory of those killed and injured in the bombing of the Alfred P. Murrah Federal Building on April 19, 1995.

We shall never forget the one hundred sixty-eight individuals who lost their lives, including nineteen children, or the more than eight hundred and fifty others who were injured. The people of Oklahoma will always remember the courage and compassion of those from around the world who were involved in the rescue and recovery, and the tremendous outpouring of goodwill by countless others.

This Executive Order shall be forwarded to the Division of Capital Assets Management, which 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 18<sup>th</sup> day of April, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton

Acting Assistant Secretary of State

[OAR Docket #18-355; filed 4-18-18]

**1:2018-10.**

### EXECUTIVE ORDER 2018-10

I, Todd Lamb, Acting 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.*, and pursuant to 49 C.F.R. Part 390.23, hereby declare that there is a State of Emergency continuing in the State of Oklahoma. Due to severe drought and wildfires occurring in our State, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for wildfire relief;
2. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;
3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and
4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Due to the on-going State of Emergency, resulting from drought and wildfires that began on April 13, 2018, and continuing, this Executive Order shall be effective until the end of thirty (30) days after the filing of this Order.

Declaration of this emergency provides relief from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance for the immediate restoration of essential services (such as electrical, sewer, water, and telecommunications) or essential supplies (such as feed, food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or

## Executive Orders

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any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Executive 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 State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16<sup>th</sup> day of April, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Acting Governor Todd Lamb

ATTEST:  
Tod Wall  
Acting Secretary of State

*[OAR Docket #18-354; filed 4-16-18]*

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**1:2018-11.**

### EXECUTIVE ORDER 2018-11

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct that appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Saturday, April 21, 2018, to honor the life and legacy of former First Lady, Barbara Bush, beloved wife of our 41<sup>st</sup> president, George H. W. Bush.

The first lady's time on Earth as a wife, mother, grandmother, great-grandmother, military wife, and former first lady was remarkable and her legacy is substantial and lasting. Barbara Bush's life stood as a testament to faithfulness and selfless service.

This Executive Order shall be forwarded to the Department of Capital Assets Management, 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 19<sup>th</sup> day of April, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Tod Wall  
Secretary of State

*[OAR Docket #18-356; filed 4-19-18]*

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**1:2018-12.**

### EXECUTIVE ORDER 2018-12

I, Mary Fallin, Governor of the State of Oklahoma, 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. to 5:00 p.m. on Friday, April 27, 2018, to honor the life of Trooper Daniel Martin #606 of Troop D-Okemah detachment, who died April 23, 2018.

Trooper Martin graduated from Trooper Academy #57 and leaves behind a loving wife, Cara, and three children, Nicholos Martin, Devon Todd, and Jacob Martin. His service to our state will never be forgotten.

This executive order shall be forwarded to the Division of Capital Assets Management, 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 26<sup>th</sup> day of April, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Amy Canton Acting Assitant  
Secretary of State

*[OAR Docket #18-366; filed 4-26-18]*

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**1:2018-13.**

### EXECUTIVE ORDER 2018-13

I, Mary Fallin, Governor of the State of Oklahoma, 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.

to 5:00 p.m. on Saturday, April 28, 2018, to honor former state lawmaker Penny Williams, who died on April 16, 2018.

Williams' career spanned 23 years and included service in both the state House of Representatives (1981 to 1988) and Senate (1989 to 2004). During her time as a state senator, she chaired the Senate Education Committee, and co-authored House Bill 1017, the landmark 1990 education funding and reform package. Among her many distinguished honors, Williams was named to the Oklahoma Women's Hall of Fame, and was a recipient of the Kate Barnard Award from the Oklahoma Commission on the Status of Women for her contributions to the state as a woman in public service.

This executive order shall be forwarded to the Division of Capital Assets Management, 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 27<sup>th</sup> day of April, 2018.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Amy Canton  
Acting Assistant Secretary of State

*[OAR Docket #18-367; filed 4-27-18]*

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