

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

SUBCHAPTER 9. ADMINISTRATIVE PROCEEDINGS

PART 3. INDIVIDUAL PROCEEDINGS

252:4-9-32. Individual proceedings filed by others

(a) **Request for administrative hearing in response to Order.** A request for an individual proceeding initiated by the Respondent named in an Order shall be in writing and shall specifically set forth the Respondent's objections to the Order.

(b) **Administrative hearing on Tier III permits.** An individual proceeding on a proposed permit for a Tier III application may be requested in accordance with 27A O.S. § 2-14-304(C)(1).

(c) **Style.** The style of the case shall be in accordance with the format in Appendix D.

(d) **Content.** All requests for individual proceedings must be in writing, contain a brief statement of the basis of the request and the name and address of each requester, and be signed by the requester or an authorized representative.

(e) **Declaratory ruling.** Any person who alleges that any DEQ rule or order interferes with or impairs, or threatens to interfere with or impair, his/her legal rights may petition the DEQ, formally requesting a declaratory ruling on the applicability of the rule or order. After the petition is filed, the DEQ shall provide a copy to the Board.

(1) **Time.** Any person who requests a declaratory ruling on the applicability of an order must file the petition within twenty (20) days of receipt of the order.

~~(1)~~(2) **Form and content of petition.** All petitions shall be in writing and filed with the Administrative Law Clerk. The petition shall include the information and follow the format in Appendix B.

~~(2)~~(3) **Determination.** Petitions for declaratory rulings shall be decided by the DEQ. Rulings shall state the findings of fact and conclusions of law upon which they are based. If the DEQ refuses to make a ruling or begin an individual proceeding within 30 days, the petition shall be deemed to have been denied. If the DEQ begins an individual proceeding on the petition, it shall offer an opportunity for a hearing to the petitioner. After the DEQ issues a ruling or the Executive Director issues a final order, the DEQ shall provide a copy of the ruling or final order to the Board at its next available meeting.

~~(3)~~(4) **Mailing.** The DEQ shall mail a copy of the ruling or final order to the petitioner.

