

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL  
SUBCHAPTER 17**

**RULE IMPACT STATEMENT**

**SUBCHAPTER 17. INCINERATORS**

**PART 4. BIOMEDICAL WASTE INCINERATORS [NEW]**

**252:100-17-8. Applicability [NEW]**

**252:100-17-9. Definitions [NEW]**

**252:100-17-10. Design and operation [NEW]**

**252:100-17-11. Emission limits [NEW]**

Before the Air Quality Advisory Council, October 21, 2009, January 20, 2010, and April 21, 2010  
Before the Environmental Quality Board, June 15, 2010

1. **DESCRIPTION:** The Department is proposing to add a new Part 4, Biomedical Waste Incinerators, to Subchapter 17, Incinerators. The new part will incorporate the control technology for this type of incinerator originally established under the authority of Subchapter 41, Control of Emission of Hazardous and Toxic Air Contaminants, which was revoked in 2007. In addition, the Department has identified regulatory gaps in Subchapter 17, Part 7, Hospital, Medical and Infectious Waste Incinerators, when pathological waste, low-level radioactive waste, and chemotherapeutic waste are incinerated. The addition of Part 4 will reestablish the Department's design requirements and emission standards for biomedical waste incinerators and close the regulatory gap in Part 7.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of biomedical waste incinerators who are not subject to the provisions of Part 7 of Subchapter 17.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear costs are the owners and operators of biomedical waste incinerators who are not subject to the provisions of Part 7 of Subchapter 17.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** DEQ has received no information on cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** The citizens of the State of Oklahoma will benefit by the restoration of the Department's design requirements and emission standards for biomedical waste incinerators.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There are no anticipated economic impacts since the operating permits of the two affected facilities in the state contain enforceable requirements that are consistent with the proposed rule.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ anticipates no probable economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There are no anticipated adverse effects on small business.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes proposed in this rule.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** DEQ anticipates no increased cost to implement and enforce the proposed rule changes. The restoration of the rule will result in more efficient implementation and enforcement.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** No other agencies will be implementing or enforcing this rule. Therefore, there are no probable costs or benefits to other agencies to implement and enforce.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants, fees and state appropriations will continue to be used.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** DEQ expects no net loss or gain in revenues from this proposal.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation of political subdivisions is required. DEQ will be responsible for all aspects of implementation and enforcement of this rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** DEQ anticipates no additional compliance costs, so no measures are necessary.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** DEQ has determined that there are no less costly, nonregulatory, or less intrusive methods of achieving the purpose of this proposed rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** DEQ has determined that the proposed rule changes will help to protect public health, safety, and the environment by restoring the emission standards for biomedical waste incinerators.
18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL**

**REDUCE THE RISK:** The proposed rule establishes emission limits to reduce certain pollutants from biomedical waste incinerators. The emissions from these sources could otherwise have an adverse impact on the public health, safety and environment of the citizens of the State of Oklahoma.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Without the proposed rules change, DEQ would be unable to require a new biomedical waste incinerator to meet the same design and operating requirements currently included in the permits of existing sources.
  
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There will be no new quantitative or qualitative impact on business entities since the proposed changes will restore previously established design requirements and emission standards for biomedical waste incinerators.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** May 29, 2009

**MODIFIED ON:** June 10, 2009, December 1, 2009, and March 9, 2010