

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

RULE IMPACT STATEMENT

**Subchapter 17. Incinerators**

**Part 3. General Purpose Incinerators**

**252:100-17-2. [AMENDED]**

**Part 9. Commercial and Industrial Solid Waste Incineration Units**

**252:100-17-60. [AMENDED]**

**252:100-17-61. [REVOKED]**

**252:100-17-62. [AMENDED]**

**252:100-17-63. [AMENDED]**

**252:100-17-64. [REVOKED]**

**252:100-17-65. [REVOKED]**

**252:100-17-66. [REVOKED]**

**252:100-17-67. [REVOKED]**

**252:100-17-68. [REVOKED]**

**252:100-17-69. [REVOKED]**

**252:100-17-70. [REVOKED]**

**252:100-17-71. [REVOKED]**

**252:100-17-72. [REVOKED]**

**252:100-17-73. [REVOKED]**

**252:100-17-74. [AMENDED]**

**252:100-17-75. [REVOKED]**

**252:100-17-76. [REVOKED]**

Before the Air Quality Advisory Council, January 15, 2014

Before the Environmental Quality Board, February 21, 2014

- 1. DESCRIPTION:** The Department is proposing to modify OAC 252:100-17, Part 3, General Purpose Incinerators and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust enforceable requirements and compliance dates for existing CISWI units to be consistent with revised federal requirements that were published in the *Federal Register* on March 21, 2011 (76 FR 15769) and February 7, 2013 (78 FR 9195). The proposed rule has been modified to accommodate changes in the federal emission guidelines 40 CFR 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incinerator (CISWI) units. The changes clarify the requirements and applicability of new and existing CISWI units, adjust emission limits, modify monitoring provisions, and clarify definitions. Some sections of Subchapter 17 would be revoked in order to incorporate by reference the Model Rule from Subpart DDDD. The modifications incorporate changes required as a result of revisions to the emission guidelines for state plans under Sections 111(d) and 129 of the federal Clean Air Act (CAA), applicable to existing CISWI units. The proposed changes to Subchapter 17 would be included as part of the required update to Oklahoma's Section 111(d)/129 plan.

2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are the owners and operators of existing CISWI units.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of existing CISWI units will bear the costs.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts from private or public entities associated with the proposed rule.
5. **CLASSES OF PERSONS BENEFITTED:** The proposed changes will benefit the citizens of Oklahoma by the reduction of air pollution emitted from CISWI units. By ensuring that the rules are part of Oklahoma's State 111(d)/129 Plan, DEQ can implement and enforce the requirements rather than the U.S. Environmental Protection Agency (EPA), which will benefit owners and operators of existing CISWI units.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department anticipates no significant economic impact as a result of the proposed changes.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department expects no adverse effects on small business as a result of this rule change.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No fee changes are included in the proposed amendment.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department anticipates there will be no significant increased costs associated with the implementation and enforcement of these proposed amendments. The Department will benefit from the proposal because it will allow state implementation and enforcement of these federal requirements.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and fees will continue to be used as the sources of revenue to implement and enforce the rule.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revision should have little effect on net revenues for DEQ and/or other agencies.

14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation of political subdivisions will not be required to implement or enforce the rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed rule will establish standards and compliance schedules that are neither more nor less stringent than those prescribed by the emission guidelines. The compliance schedule from the emission guidelines allows the time needed to comply without creating an undue burden. The compliance costs for affected sources under the state rule should be similar to those under a federal program. In addition, the Department intends to develop and issue a general permit for Air Curtain Incinerators, which will streamline the permitting process and result in a reduction in permitting costs.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no less costly, nonregulatory, or less intrusive methods of achieving the purpose of the proposed revision. The EPA, acting under the authority of sections 111(d) and 129 of the CAA, promulgated the emission guidelines for states to implement through state plans. The proposed rule will be the enforceable mechanism in Oklahoma's State Plan. EPA will adopt and implement a federal plan for CISWIs if Oklahoma does not update its state plan.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revision will result in improved public health, safety, and the environment by reducing air pollution emissions from existing CISWI units.
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 revision will implement emission guidelines designed to significantly reduce nine air pollutants emitted from existing CISWI units, including mercury, particulate matter, sulfur dioxide, dioxin, lead, and nitrogen oxides. Therefore, the proposed revision will result in improved public health, safety, and the environment by reducing air pollution from existing CISWI units.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the revised federal emission guidelines were not implemented, pollutant emissions from existing CISWI units would likely continue at current levels. These pollutants include mercury, particulates, sulfur dioxide, dioxin, lead, and nitrogen dioxide, which can cause a range of dangerous health effects – from developmental disabilities in children, to cancer, heart disease, and premature death. However, if the Department does not implement the changes through an updated State 111(d)/129 Plan, EPA will adopt and implement a federal plan.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS**

**ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The probable quantitative and qualitative impact on business entities will be increased quality of customer service.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** November 23, 2013

**Modified on:** December 13, 2013