

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

RULE IMPACT STATEMENT

**Subchapter 5. REGISTRATION, EMISSION INVENTORY AND ANNUAL
OPERATING FEES
252:100-5-2.1. [AMENDED]**

Before the Air Quality Advisory Council, June 10, 2015

Before the Environmental Quality Board, September 15, 2015

1. **DESCRIPTION:** The Department is proposing to amend OAC 252:100-5, Registration, Emission Inventory and Annual Operating Fees, for consistency with a recent amendment to the U.S. Environmental Protection Agency (EPA) Air Emission Reporting Requirements (AERR) (80 FR 8787, 2/19/15) contained in subpart A of 40 CFR Part 51. EPA amended Table 1 to Appendix A of Subpart A of 40 CFR Part 51 by lowering the threshold for reporting lead emissions to ≥ 0.5 ton per year. OAC 252:100-5-2.1(a)(3) currently excludes permit exempt facilities and de minimis facilities from the requirement to submit an annual emission inventory to the Department. A permit exempt facility may emit 40 tons or less per year of each regulated air pollutant and a de minimis facility may emit 5 tons or less per year of each regulated air pollutant. The Department proposes to revise paragraph (3) to include the emission inventory thresholds contained in Table 1 to Appendix A of Subpart A of 40 CFR Part 51. The Department intends to incorporate Table 1 by reference annually, to ensure that the EPA emission inventory requirements continue to be met. Although the language in OAC 252:100-5-2.1 currently exempts de minimis facilities and permit exempt facilities from the requirement to submit an annual emission inventory, the Department believes that all facilities that emit 0.5 ton or more of lead per year are already submitting emission inventories. At this time, lead is the only pollutant listed on Table 1 to Appendix A that has an emission reporting threshold that is below the emission limits for permit exempt facilities and de minimis facilities.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of de minimis facilities and permit exempt facilities that may now be required to submit an emission inventory triennially if a facility emits 0.5 ton or more of lead per year. However, the Department believes that the number of facilities for which an emission inventory will be required for the first time due to this revision will be minimal.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The Department does not expect this revision to result in additional costs because emission inventories are already being submitted for the facilities that emit 0.5 ton or more of lead per year.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts from private or public entities pertaining to the proposed rule.

5. **CLASSES OF PERSONS BENEFITTED:** The Department and the citizens of the State will benefit from the proposal because the State Implementation Plan (SIP) will continue to meet the federal air emission inventory requirements, and the State will retain authority for administering and enforcing the federal air quality emission inventory and permitting programs.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The owners and operators of any facility that has actual lead emissions of 0.5 ton or more per year that have not been submitting the appropriate emission inventory may be required to do so and would bear the costs for preparation and submittal of the emission inventory. However, the Department expects the number of these facilities to be minimal.
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 anticipates no adverse effect on small business as a result of this proposal.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The Department is not proposing any fee changes in this rule.
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 the proposed amendment. The Department and the citizens of the State will benefit from the proposal because the SIP will continue to meet the federal emission inventory requirements and the State will retain authority for administering and enforcing the federal air quality emission inventory and permitting programs.
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:** Fees and federal grants will continue to be used to implement and enforce this rule proposal.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department expects no net loss or gain in revenues from these amendments.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None is required. The Department 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: The proposed changes will allow the DEQ to continue to implement and enforce the federal regulations rather than the EPA, which generally results in lower compliance costs for those affected.

16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The Department has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** This proposed rule will ensure that the air quality programs remain under State control, which will benefit the public health, safety, and the environment.
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 change will correct Oklahoma's SIP and allow the DEQ, rather than EPA, to continue to implement and enforce the federal air quality emission inventory and permitting regulations.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The loss of State delegation for any part of the federal air quality programs could result in a detrimental effect on public health, safety, and the environment by moving the programs further from local control.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department does not anticipate any significant quantitative and qualitative impact on business entities since the number of facilities for which an emission inventory will be required for the first time is expected to be minimal.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: April 17, 2015