

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL RULES
SUBCHAPTER 2
APPENDIX Q**

RULE IMPACT STATEMENT

Subchapter 2. Incorporation By Reference

252:100-2.1. Purpose [AMENDED]

**252:100-2-3. ~~Reference to Title 40, Code of Federal Regulations~~ Incorporation by reference
[AMENDED]**

APPENDIX Q. INCORPORATION BY REFERENCE [REVOKED]

APPENDIX Q. INCORPORATION BY REFERENCE [NEW]

Before the Air Quality Advisory Council, October 27, 2010, January 19, 2011, October 5, 2011
Before the Environmental Quality Board, November 15, 2011

1. **DESCRIPTION:** The Department is proposing changes to Subchapter 2, Incorporation By Reference, to clarify the purpose. In addition, the Department is proposing to update the federal regulations incorporated by reference in Appendix Q. The existing Appendix Q will be revoked and a new Appendix Q will be adopted. These proposals are part of the annual review of Title 40, Code of Federal Regulations (40 CFR) incorporations by reference.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that are subject to the regulations incorporated by reference.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear costs are the owners and operators of facilities that are subject to the regulations incorporated by reference which include New Source Performance Standards in 40 CFR Part 60 and National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 61 and 63.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** The citizens of Oklahoma and owners and operators of the facilities subject to these regulations will benefit by the assurance that the most current regulations available are in place and are more protective of public health and welfare.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There should be no new economic impacts on affected classes of persons subject to this rule.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There should be 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 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 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:** Fees, state appropriations, 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:** No such projections are possible at this time.
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 implement and enforce the federal regulations rather than the U.S. Environmental Protection Agency, 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 methods of achieving the purpose of the proposed rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed changes will have a positive effect on public health, safety, and the environment by adding new standards and updating the existing standards that were established to protect public health and welfare.
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 changes will have a positive effect on public health, safety, and the environment by adding new standards and updating the existing standards that were established to protect public health and welfare.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed changes are not implemented, the new standards will be enforced by the federal government rather than the State.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There will be no new quantitative impact on business entities since the proposed changes will align state standards with the current federal standards. The owners or operators of businesses subject to federal standards will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 13, 2010
MODIFIED ON: August 29, 2011