

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

RULE IMPACT STATEMENT

Subchapter 9. EXCESS EMISSION REPORTING REQUIREMENTS

252:100-9-1. [AMENDED]

252:100-9-1.1. [AMENDED]

252:100-9-2. [AMENDED]

252:100-9-8. [AMENDED]

Before the Air Quality Advisory Council, October 14, 2015

Before the Environmental Quality Board, November 10, 2015

1. **DESCRIPTION:** The Department is proposing to amend OAC 252:100-9, Excess Emission Reporting Requirements, to comply with the "[State Implementation Plan (SIP)] Call To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction" (SSM) as published in the Federal Register by the U.S. Environmental Protection Agency (EPA) on June 12, 2015 (80 FR 33840), and to conform with EPA's restated and updated SSM policy applicable to SIPs, as expressed in the referenced Federal Register notice.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that are subject to emission limitations in OAC 252:100, an enforceable air quality permit, an administrative order or a judicial order, and associated requirements for reporting excess emissions.
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 emission limitations in OAC 252:100, an enforceable air quality permit, an administrative order or a judicial order, and associated requirements for reporting excess emissions. However, the proposed revision is not expected to significantly change the costs to be incurred by these persons.
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 citizens of Oklahoma and owners and operators of the facilities subject to these regulations will benefit by the assurance that reporting of excess emissions is handled in the most appropriate, open, and efficient way possible to protect public health and welfare. The owners and operators will benefit from consistency in state and federal requirements.
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:** 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 these proposed amendments. The Department will benefit from the proposal because it will allow continued 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 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 address the deficiencies EPA identified in the SIP Call, while retaining aspects that allow DEQ to implement and enforce the requirements in the most appropriate, open, and efficient way possible. This approach should generally result 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:** The proposed changes will have a positive effect on public health, safety, and the environment by clarifying and updating requirements that were established to inform and 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 clarifying and updating requirements that were established to inform and 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, EPA may take steps towards issuing and enforcing a Federal Implementation Plan.
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 requirements with the current federal requirements. The owners or operators of businesses subject to federal standards will benefit from consistent state and federal requirements.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: August 24, 2015