

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 14, 2016.
Before the Environmental Quality Board at 9:30 a.m. on February 19, 2016.

RULE IMPACT STATEMENT

1. **DESCRIPTION:** The Department is proposing to amend Oklahoma Administrative Code (OAC) 252:515-1-1 by excluding solid waste disposal facilities used exclusively for disposal of coal combustion residuals (CCR), or coal ash, generated from the combustion of coal at electric utilities and independent power producers from the applicability of OAC 252:515. In a separate, related rulemaking, the Department is proposing to create a new Chapter, OAC 252:517, titled *Disposal of Coal Combustion Residuals from Electric Utilities*. These proposed rulemaking actions are in response to new federal rules on standards for the disposal of CCR in landfills and surface impoundments and in an effort to ensure only one set of applicable standards. Therefore, it is proposed the provisions within OAC 252:515 currently applicable to the CCR disposal facilities in question will no longer apply, and those facilities will be regulated under OAC 252:517.
2. **CLASSES OF PERSONS AFFECTED:** Owners and/or operators of new and existing disposal facilities receiving only CCR from the combustion of coal at electric utilities and independent power producers.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no anticipated costs as a result of this proposed rulemaking.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** No cost information has been received on cost impacts from private/public entities relating to the proposed rulemaking.
5. **CLASSES OF PERSONS BENEFITTED:** The general public and owners and/or operators of CCR disposal facilities will benefit from the proposed rulemaking as there will only be one set of applicable standards for the regulation of disposal of CCR generated from the combustion of coal at electric utilities and independent power producers.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There is no anticipated economic impact as a result of this proposed rulemaking.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on political subdivisions is anticipated.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** No economic impact on small business is anticipated.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** No additional costs to DEQ are projected as a result of this proposed rulemaking. There is a probable benefit to DEQ due to having only one set of applicable standards for the regulation of disposal of CCR generated from the combustion of coal at electric utilities and independent power producers, as set out in the proposed rulemaking action to create a new chapter, OAC 252:517.

11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.

12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The source of revenue to be used to implement and enforce the proposed rulemaking are fees previously established and collected pursuant to 27A O.S. § 2-10-802.

13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None.

14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation of political subdivisions is required for the proposed rulemaking, as no political subdivisions are currently subject to the proposed rulemaking.

15. **EXPLANATION OF THE MEASURES DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** It is anticipated that only having one set of applicable standards for the regulation of disposal of CCR generated from the combustion of coal at electric utilities and independent power producers will minimize overall compliance 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 other such methods of achieving the purpose of the proposed rulemaking.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:** The proposed rulemaking will have a positive effect on public health, safety, and the environment by enabling consistent State regulation of CCR disposal facilities.

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:** This proposed rulemaking is not designed to reduce significant risks posed to public health, safety and the environment.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC**

HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: If the proposed rulemaking is not implemented, owners and/or operators of CCR disposal facilities will be subject to some inconsistent state and federal rules for the appropriate disposal of CCR.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES, INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE:** There will be no significant qualitative or quantitative impact on Oklahoma businesses as a result of this proposed rulemaking.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 9, 2015.