

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

RULE IMPACT STATEMENT

Subchapter 9. Excess Emission Reporting Requirements

252:100-9-1. Purpose [AMENDED]

252:100-9-1.1. Applicability [NEW]

252:100-9-2. Definitions [AMENDED]

252:100-9-3.1. Excess emission reporting requirements [AMENDED AND RENUMBERED TO 252:100-9-7]

252:100-9-3.3. Demonstration of cause [AMENDED AND RENUMBERED TO 252:100-9-8]

252:100-9-7. Excess emission reporting requirements [NEW]

252:100-9-8. Affirmative defenses [NEW]

Before the Air Quality Advisory Council, October 17, 2007; January 17, 2008; July 16, 2008; October 15, 2008, and January 21, 2009. Before the Environmental Quality Board, February 27, 2009.

1. **DESCRIPTION:** The Department is proposing to amend OAC 252:100-9, Excess Emission Reporting Requirements, to clarify and revise its requirements, and to make them more compatible with EPA guidelines. The revised requirements establish an affirmative defense for certain excess emissions occurring during periods of startup, shutdown or malfunction. The revisions also provide an exception to the immediate notice requirement set forth in this subchapter for certain excess emissions that are not likely to pose a significant threat to human health or the environment.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities subject to one or more of the Chapter 100 rules.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There should be no new costs associated with these rule changes.
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 owners and operators of air contaminant sources will benefit since clarification of existing requirements will ensure better understanding by those impacted by Chapter 100 rules. In addition, the owners and operators of subject facilities will benefit from the exceptions for immediate notification, the streamlined excess emission reporting process, and the addition of affirmative defense provisions contained in this proposal. The citizens of Oklahoma will benefit from the ability of the Department to concentrate on excess emissions that are likely to pose a significant threat to human health or the environment.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There should be no economic impact on affected classes of persons as this proposal adds no new requirements.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There should be no adverse effect on small business as this proposal adds no new requirements.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** DEQ is not proposing any fee changes in this rule.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** DEQ anticipates no increased costs to implement these proposed amendments. DEQ will benefit by the conservation of agency resources through the streamlined excess emission reporting process contained in this proposal.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None. No other agencies will be implementing or enforcing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Current fees, state appropriations and federal grants will be used to fund this rule change.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** DEQ estimates that there will be no net loss or gain in revenues.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None is required. DEQ will be responsible for all aspects of the implementation and enforcement of these rules.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No measures were necessary, as there will be no increase or decrease in compliance costs.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The agency has determined that there are no less costly, 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 no net effect on public health, safety or 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 changes will have no net effect on public health, safety or environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The proposed changes will have no net effect on public health, safety or environment.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** Business entities in Oklahoma will benefit from the exceptions for immediate notification and the streamlined excess emission reporting process contained in this proposal.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 17, 2007

MODIFIED ON: September 11, 2008, and December 8, 2008