

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

RULE IMPACT STATEMENT

Subchapter 7. ENVIRONMENTAL PERMIT PROCESS

Part 1. THE PROCESS

252:4-7-13. [AMENDED]

Before the Air Quality Advisory Council on January 18, 2017

Before the Environmental Quality Board on February 17, 2017

1. **DESCRIPTION:** The Department is proposing to amend OAC 252:4-7-13, Notices – specifically Subsection (g), Additional notice content requirements for Clean Air Act Permits – to align the Department’s notice content requirements for Prevention of Significant Deterioration (PSD) permits with those promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Section 51.166. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules are not less stringent than the federal rules. This will remove an obstacle in EPA Region 6 staff's review and approval of relevant portions of Oklahoma's State Implementation Plan (SIP), which will help ensure that the Department retains the PSD program. The changes would affect only the process for permits issued under OAC 252:100-8, Part 7 (PSD), and would not affect the process for permits issued under other chapters of DEQ rules.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that are subject to the permitting requirements in OAC 252:100-8, Part 7.
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 permitting requirements in OAC 252:100-8, Part 7. 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 classes of persons who would benefit from this rule are the citizens of Oklahoma and owners and operators of the facilities subject to these regulations. The proposed amendments would ensure that the most current regulations available are in place to protect public health and welfare, and consistency between state and federal rules.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department expects no economic impact on the affected classes of persons from this rulemaking activity.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions due to this rulemaking activity.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department anticipates no adverse effect on small business due to this rulemaking activity.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes associated with the proposed amendments.
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 state implementation and enforcement of these requirements.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no other agencies implementing or enforcing these rules.
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 these rules.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department does not anticipate any loss or gain in revenues from these amendments.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Implementation and enforcement of this rule would be handled solely by the Department, and no cooperation by other political subdivisions would be required.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed amendments would allow DEQ to implement and enforce state requirements, rather than EPA enforcing equivalent federal regulations. State implementation 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 amendments.

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 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 amendments will have a positive effect on public health, safety, and the environment by clarifying and updating requirements 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 Department's program may not be fully approvable by EPA, which could ultimately result in its being implemented and 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 better align state requirements with the current federal requirements. The owners or operators of businesses subject to federal requirements will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 1, 2016