

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

Before the Air Quality Advisory Council on October 10, 2018
Before the Environmental Quality Board on November 9, 2018

RULE IMPACT STATEMENT

**Subchapter 39. EMISSION OF VOLATILE ORGANIC COMPOUNDS (VOCs) IN
NONATTAINMENT AREAS AND FORMER NONATTAINMENT AREAS**

Part 7. Specific Operations

252:100-39-40. [AMENDED]

1. **DESCRIPTION:** The Department is proposing to amend 252:100-39-40, Cutback asphalt (paving), to update a reference to Oklahoma's non-oxidant season dates to reflect Oklahoma's designated ozone season. The gist of this rulemaking is to ensure that cutback asphalt cannot be used during Oklahoma's extended ozone season.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that prepare or apply cutback liquefied asphalt.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no costs associated with this rule proposal.
4. **INFORMATION ON COST IMPACTS FROM PUBLIC/PRIVATE ENTITIES:** The Department has not received any information on cost impacts as of this date.
5. **CLASSES OF PERSONS BENEFITTED:** The classes of persons who would benefit from this rule are the owners and operators of facilities that prepare or apply cutback liquefied asphalt and the citizens of Tulsa County. Owners and operators of facilities that prepare or apply cutback asphalt would benefit from a clarification of Oklahoma's non-oxidant season dates, thereby ensuring continued compliance with the rules in place. Citizens of Tulsa County would benefit from any reduction of VOCs by affected facilities that were not aware of the current non-oxidant season in Oklahoma.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department expects little economic impact on the affected classes of persons from this rule proposal. The regulation for these facilities is already in place. This rule proposal only clarifies the designated ozone season for Oklahoma. It is likely that the majority of affected facilities are already in compliance with the regulation.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department does not foresee any economic impact on political subdivisions due to this rule proposal.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department anticipates no adverse effect on small business from this rule proposal.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes associated with this rule proposal.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There will be no costs to the Department to implement and enforce this rule proposal.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no additional costs to other agencies to implement and enforce this rule proposal. Oklahoma Department of Transportation already includes this requirement in its contract awards and will continue to do so.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Implementation and enforcement of this rule will continue to be funded by fees and federal grants.
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 revenue from this rule proposal.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Implementation and enforcement of this rule would be handled 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:** There are no compliance costs associated with this rule proposal.
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 this method to be the least intrusive and least costly for each category of affected facility to achieve the purpose of the proposed rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The Department has determined this rule proposal would have little to no effect on public health, safety and 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:** This proposed rulemaking is not intended to reduce significant risks to public health, safety and environment.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The proposed rulemaking would not have any detrimental effect on public health, safety or environment if it was not implemented.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department anticipates no significant impact on business entities that own or operate affected facilities.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: August 28, 2018