

**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**

**252:100-39-41. [AMENDED]**

1. **DESCRIPTION:** The Department is proposing to amend 252:100-39-41, Storage, loading and transport/delivery of VOCs. The gist of this rule proposal is to allow for the use of alternative testing methods for leak inspections, to revise references used for pressure and vapor testing to the most recent EPA regulations, and to update tank truck tag requirements to reflect current practices.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that store, load, and transport or deliver VOCs, typically, but not always, bulk gasoline loading facilities and tank trucks.
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 proposal are the owners and operators of facilities that store, load, and transport or deliver VOCs. This rule proposal would clarify what regulations are applicable by bringing references up to date with current federal regulations and eliminating some overlapping regulatory requirements.
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. No new requirements would be put in place with this rule proposal.
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. The Department would benefit from eliminating the requirement to tag delivery vessels by saving resources currently allocated to implementing the tag requirement. The Department would also benefit from allowing alternative test methods to be used in certain situations by reducing potential safety hazards posed from the limited methods currently allowed by the rule.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no costs to other agencies to implement and enforce this rule proposal.
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 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:** 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. Regulatory requirements for subject facilities are already in place.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department anticipates a positive impact on business entities that own or operate affected facilities.

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