

**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 1. General Provisions

252:100-39-4. [AMENDED]

1. **DESCRIPTION:** The Department is proposing to amend 252:100-39-4, Exemptions, to remove an outdated and misnumbered reference and to add 252:100-39-42, Metal cleaning, to the list of exemptions allowed for VOCs with vapor pressure less than 1.5 pounds per square inch absolute (psia). The gist of this rulemaking is to correct a typographical error and add a section of rules from which VOCs with low vapor pressure may be exempt.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that use VOCs with vapor pressures less than 1.5 psia for metal cleaning purposes.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no associated costs 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 proposed rule are the owners and operators of facilities that use VOCs with vapor pressures less than 1.5 psia for metal cleaning purposes.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department expects no economic impact on the affected classes of persons from 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.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There will be no other agencies implementing or enforcing this proposed rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Implementation and enforcement of this proposed 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. This rule proposal would result in an exemption from certain regulatory requirements.
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