

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

Before the Air Quality Advisory Council on October 16, 2019  
Before the Environmental Quality Board on November 8, 2019

**RULE IMPACT STATEMENT**

**SUBCHAPTER 13. OPEN BURNING**

**252:100-13-2. [AMENDED]**

**252:100-13-5. [AMENDED]**

**252:100-13-7. [AMENDED]**

**252:100-13-8. [AMENDED]**

**252:100-13-8.1. [NEW]**

**252:100-13-9. [AMENDED]**

1. **DESCRIPTION:** The Department is proposing to amend Oklahoma Administrative Code (OAC) 252:100-13, Open Burning, to conform the Department of Environmental Quality (DEQ) rules to statutory changes enacted in the 2019 legislative session. DEQ is also proposing to add a new section, 252:100-13-8.1, for this same purpose. The statutory changes added a provision for open burning of certain medical marijuana plant parts and modified when an air curtain incinerator (ACI) is required. In addition, the Department is proposing to change Section 13-2, Definitions, to reflect an update in terminology from "watch" to "alert" for ozone and particulate matter notifications. The Department is also proposing to amend Section 13-7(1), Fire training, to clarify specific inspection and removal requirements, as provided for in the Oklahoma Clean Air Act. The gist of this rulemaking is to implement the statutory changes made in the 2019 legislative session to add a provision for open burning of certain medical marijuana plant parts, to modify when an ACI is required, and to make other minor clarifications to the rule.
2. **CLASSES OF PERSONS AFFECTED:** The proposed rulemaking would primarily affect persons performing open burning of clean wood waste, yard brush, and certain materials from land clearing operations. The rulemaking will also affect medical marijuana commercial licensees, medical marijuana research facilities, and medical marijuana education facilities.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no costs associated with this rule proposal.
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 classes of persons benefitted are persons performing open burning of clean wood waste, yard brush, and certain materials

from land clearing operations as well as medical marijuana commercial licensees, medical marijuana research facilities, and medical marijuana education facilities.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department expects a positive economic impact for persons performing open burning outside the Oklahoma City or Tulsa Metropolitan Statistical Areas (MSAs) of clean wood waste, yard brush, or certain materials from land clearing operations. The Department expects no economic impact on medical marijuana commercial licensees, medical marijuana research facilities, and medical marijuana education facilities.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department expects a positive economic impact on political subdivisions outside the Oklahoma City or Tulsa MSAs that perform open burning. The allowed open burning of certain medical marijuana plant parts is not expected to have an economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department expects no adverse effect on small business from the rule proposal.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes proposed in these rules.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department anticipates no increased cost to implement and enforce the proposed rule changes.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing these rules.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and fees 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 expects no net loss or gain in revenues from these amendments.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation of political subdivisions is required. The Department will be responsible for all aspects of implementation and enforcement of these rules.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The rule proposal would minimize compliance costs by allowing persons who burn wood waste, yard brush, or certain materials from land clearing

operations outside of the Oklahoma City or Tulsa MSAs to not incur the compliance costs associated with an air curtain incinerator.

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 rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The Department has determined that the proposed rule changes will have a negligible impact on the 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 positive impacts on business entities associated with the open burning of wood waste, yard brush, or certain materials from land clearing operations, and medical marijuana commercial licensees, medical marijuana research facilities, and medical marijuana education facilities.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** August 23, 2019