

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

Before the Air Quality Advisory Council on January 15, 2020
Before the Environmental Quality Board on February 21, 2020

RULE IMPACT STATEMENT

Subchapter 17. Incinerators

Part 9. Commercial and Industrial Solid Waste Incineration Units

252:100-17-60. [AMENDED]

252:100-17-62. [AMENDED]

252:100-17-63. [AMENDED]

252:100-17-74. [AMENDED]

1. **DESCRIPTION:** The Department is proposing to amend Oklahoma Administrative Code (OAC) 252:100-17, Incinerators, to clarify the applicability of Part 9, Commercial and industrial solid waste incineration units (CISWI), to existing air curtain incinerators (ACIs) and to modify the State 111(d)/129 Plan for CISWI. The proposed rulemaking will update the rule and state plan in accordance with recent changes to the federal emission guidelines. The gist of the rulemaking is to ensure the CISWI provisions in Subchapter 17 are in agreement with the federal emission guidelines.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are the owners and operators of existing CISWI units, including affected ACIs.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of existing CISWI units and affected ACIs will bear the costs.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts from private or public entities associated with the proposed rule.
5. **CLASSES OF PERSONS BENEFITTED:** The proposed changes will benefit the citizens of Oklahoma through the reduction of air pollution emitted from CISWI units and affected ACIs. By ensuring that the updated rules are part of Oklahoma's State 111(d)/129 Plan, the Department can implement and enforce the requirements rather than the U.S. Environmental Protection Agency (EPA), which will benefit owners and operators of existing CISWI units and affected ACIs.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department anticipates no significant economic impact as a result of the proposed changes.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department expects no adverse effects on small business as a result of this rule change.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No fee changes are included in the proposed amendment.
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 updated provisions.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and fees will continue to be used as the sources of revenue to implement and enforce the rule.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revision should have little effect on net revenues for the Department and/or other agencies.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation of political subdivisions will not be required to implement or enforce the rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed rule will establish standards and compliance schedules that are neither more nor less stringent than those prescribed by the federal emission guidelines. The final technical amendments of the federal CISWI rule alleviate testing and monitoring issues and address concerns identified in public comments to the EPA. The compliance costs for affected sources under the state rule should be similar to those under the federal program.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no less costly, nonregulatory, or less intrusive methods of achieving the purpose of the proposed revision. The EPA, acting under the authority of sections 111(d)/129 Plan of the Clean Air Act, promulgated the emission guidelines for states to implement through state plans. The proposed rule will be the enforceable mechanism in Oklahoma's State Plan. The EPA will adopt and implement a federal plan for CISWIs if Oklahoma does not update its State 111(d)/129 Plan.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revision will result in improved public health, safety,

and the environment by reducing air pollution emissions from existing CISWI units and affected ACIs.

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 revision will implement emission guidelines designed to reduce air pollutants emitted from existing CISWI units and affected ACIs, including mercury, particulate matter, sulfur dioxide, dioxin/furans, lead, and nitrogen oxides. Therefore, the proposed revision will result in improved public health, safety, and the environment by reducing air pollution from existing CISWI units and affected ACIs.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the revised federal emission guidelines are not implemented, pollutant emissions from existing CISWI units and affected ACIs may continue at current levels. However, if the Department does not implement the changes and submit an updated State 111(d)/129 Plan, the EPA will adopt and implement a federal plan to address the emissions.

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 align state regulations with the current federal emission guidelines. The owners and/or operators of businesses with existing CISWI units and affected ACIs will benefit from consistent state and federal requirements.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: November 27, 2019