

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

Before the Air Quality Advisory Council on June 17, 2020; July 22, 2020; and October 21, 2020
Before the Environmental Quality Board on November 10, 2020

RULE IMPACT STATEMENT

Subchapter 1. General Provisions

252:100-1-3 [AMENDED]

252:100-1-4 [AMENDED]

Subchapter 7. Permits for Minor Facilities

Part 1. General Provisions

252:100-7-1.1 [AMENDED]

Part 3. Construction Permits

252:100-7-15 [AMENDED]

Part 4. Operating Permits

252:100-7-18 [AMENDED]

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Part 5. Permits for Part 70 Sources

252:100-8-2 [AMENDED]

252:100-8-4 [AMENDED]

252:100-8-5 [AMENDED]

252:100-8-7.2 [AMENDED]

252:100-8-8 [AMENDED]

1. **DESCRIPTION:** The Department of Environmental Quality (Department or DEQ) is proposing to amend and update various sections in OAC 252:100, Subchapters 1, 7, and 8, to better align the Department's permit requirements and issuance process for minor source construction and operating permits as well as Part 70 source (major source) construction and operating permits with the New Source Review (NSR) permit requirements, the guidance on Federally Enforceable State Operating Permits (FESOPs), and Title V operating permit requirements promulgated by the U.S. Environmental Protection Agency (EPA) in 40 C.F.R. Part 51, Subpart I, and 40 C.F.R. Part 70. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules requiring public notice are not less stringent than the federal rules require. In addition, the formal adoption of the FESOP structure will ensure continued enforceability of minor source operating permits issued by the Department. This will remove an obstacle in obtaining approval from EPA for relevant portions of Oklahoma's State Implementation Plan (SIP), which will help ensure that the Department retains approval of the state NSR permit program and the Title V operating permit program.

2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are the owners and operators of facilities that are subject to the permitting requirements in OAC 252:100-7 (minor sources) and OAC 252:100-8 (major sources).

3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of facilities that are subject to the permitting requirements in OAC 252:100-7 and OAC 252:100-8 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 pertaining to the proposed rule.
5. **CLASSES OF PERSONS BENEFITTED:** The proposed changes will benefit the citizens of Oklahoma and owners and operators of the facilities subject to these regulations. By ensuring that the updated rules are consistent with EPA program requirements, the Department can continue to implement and enforce the requirements rather than EPA, which will benefit owners and operators of minor sources subject to permitting and Part 70 sources (major sources), all of which are subject to permitting requirements.
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 as a result of the proposed changes.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department expects negligible adverse effect on small business as a result of the proposed changes.
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 minimal costs associated with the implementation and enforcement of these proposed amendments. The Department will benefit from the proposal because it will allow state implementation and enforcement of these requirements.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing the proposed 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 proposed 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 proposed rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The Department has worked extensively with EPA to make changes in a manner that would minimize the cost to the regulated community, while achieving the purpose of the proposed rule.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The proposed changes will establish state program requirements that are neither more nor less stringent than those prescribed by the federal program requirements. The compliance costs for affected sources under the state rule should be similar to those under the federal program.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revision will have a positive effect on public health, safety, and the environment by clarifying and updating requirements to keep the public informed of permitting actions.
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 changes will help keep the public informed of permitting actions that could affect public health, safety, and the environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed changes are not implemented, the Department's program may not be fully approvable by EPA, which could ultimately result in its being implemented and enforced by the federal government rather than the State.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There will be minimal impact on business entities since the proposed changes will better align state requirements with the current federal requirements. The owners or operators of businesses subject to federal requirements will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: May 15, 2020
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