

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

Before the Air Quality Advisory Council on October 20, 2021
Before the Environmental Quality Board on November 9, 2021

RULE IMPACT STATEMENT

Subchapter 13. Open Burning
252:100-13-7 [AMENDED]
252:100-13-8 [AMENDED]
252:100-13-8.1 [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to amend OAC 252:100-13, Open Burning, to conform the Department's rules to statutory changes enacted in the 2021 legislative session. Senate Bill 246 (2021) changed 27A Okla. Stat. (O.S.) § 2-5-130 to only require an air curtain incinerator (ACI) be used in counties or areas within a county that are or have been designated nonattainment or where an ambient air quality monitor has documented a violation of the National Ambient Air Quality Standards (NAAQS), or those counties with a population of greater than 500,000. The gist of this rulemaking is to implement the above-mentioned statutory changes to restrict the areas where an ACI is required for land clearing operations, or the burning of clean wood waste or yard brush.

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 in the Oklahoma City or Tulsa Metropolitan Statistical Areas (MSAs).

CLASSES OF PERSONS WHO WILL BEAR COSTS: There are no costs associated with this rule proposal.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts from private or public entities.

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 in the Oklahoma City or Tulsa MSAs.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The Department expects a positive economic impact for persons performing open burning in the Oklahoma City or Tulsa MSAs of clean wood waste, yard brush, or certain materials from land clearing operations.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department expects a positive economic impact on political subdivisions in the Oklahoma City or Tulsa MSAs that perform open burning.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department expects no adverse effect on small business from the rule proposal.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: There are no fee changes proposed in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The Department anticipates no increased cost to implement and enforce the proposed rule changes.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing this rule.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Federal grants and fees will continue to be used to implement and enforce this rule.

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.

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 this rule.

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 in the Oklahoma City or Tulsa MSAs to not incur the compliance costs associated with an ACI.

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.

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.

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.

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.

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.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 15, 2021
MODIFIED ON: