

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

Before the Air Quality Advisory Council on October 17, 2024
Before the Environmental Quality Board on November 21, 2024

RULE IMPACT STATEMENT

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources
Part 5. Permits for Part 70 Sources
252:100-8-6 [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to amend existing rule language in OAC 252:100-8-6. Permit Content, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated changes to program requirements that are laid out in the Federal Register notice entitled "*Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program*," [88 Fed. Reg. 47029](#) (July 21, 2023). The gist of this rule proposal and the underlying reason for the rulemaking is to comply with federal requirements by removing "affirmative defense" provisions in Oklahoma's Part 70 air quality permit program.

CLASSES OF PERSONS AFFECTED: The classes of persons affected are the owners and operators of facilities that are subject to Part 70 source air quality permits.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The classes of persons who will bear costs are the owners and operators of facilities that are subject to Part 70 source air quality permits. There are no new direct costs associated with this rulemaking activity.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts of the proposed amendments as of this date. There are no new direct costs associated with this rulemaking activity.

CLASSES OF PERSONS BENEFITTED: The classes of persons who would benefit from this rule are the owners and operators of facilities that are subject to Part 70 source air quality permits, and the citizens of the state, by bringing Oklahoma's air quality permit requirements into closer alignment with federal requirements.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The Department expects no significant economic impact on the affected classes of persons from this rulemaking activity. The proposed changes refine existing requirements for the owners and operators of facilities that are subject to Part 70 source air quality permits.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department anticipates no economic impact on political subdivisions due to this rule.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department anticipates no adverse effect on small business.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The Department is not proposing any fee changes in this rule.

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 proposed amendments. The Department will benefit from the proposal because it will aid state implementation and enforcement of new and existing federal and state requirements.

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

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Existing fees and federal grants will continue to be used to implement and enforce these regulations.

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: None is required. The Department will be responsible for all aspects of implementation and enforcement of these regulations.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The proposed changes will allow the DEQ to address the deficiencies EPA identified in the referenced Federal Register Notice, while retaining aspects that allow DEQ to implement and enforce the requirements in the most appropriate, open, and efficient way possible. This approach should generally result in lower compliance costs for those affected.

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 proposed changes will have a positive effect on public health, safety, and the environment by clarifying and updating requirements that were established to protect public health and welfare.

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 are not designed to reduce significant risks to public health, safety, and the environment but will have an overall positive effect by clarifying and updating requirements that were established to reduce risks to public health and welfare.

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, EPA may take steps towards disapproving portions of Oklahoma's Part 70 Source Air Quality Operating Permits Program.

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 requirements with the current federal requirements. The owners or operators of businesses subject to federal standards will benefit from continued full federal approval of Oklahoma's Part 70 Source Air Quality Operating Permits Program.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 3, 2024
MODIFIED ON: October 3, 2024