**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 515. MANAGEMENT OF SOLID WASTE**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2020.

Before the Environmental Quality Board at 9:30 a.m. on February 21, 2020.

**RULE IMPACT STATEMENT**

1. **DESCRIPTION:**  The Department is proposing to amend OAC 252:515 to revise potentially confusing regulations and to clarify deadlines. The gist of the rule is to clarify deadlines related to closure and post-closure cost estimates, specify deadlines for yearly submittal of financial assurance documentation, and to make a minor grammatical change related to dust control.

2. **CLASSES OF PERSONS AFFECTED:** Owners and/or operators of new and existing solid waste disposal facilities will be required to comply with the proposed rulemaking.

3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Owners and/or operators of new and existing solid waste disposal will bear the costs of complying with the proposed rulemaking.

4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** No information was provided to the Department by any private or public entities regarding cost impacts for the proposed rulemaking.

5. **CLASSES OF PERSONS BENEFITTED:** The general public and solid waste disposal facilities will benefit from the proposed rulemaking as it will clearly specify deadlines for cost estimates and financial assurance and will ensure precise wording throughout Chapter 515.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** Owners and operators of solid waste disposal facilities are currently subject to OAC 252:515; therefore, no economic impact is anticipated as a result of the proposed rulemaking.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** Solid waste disposal facilities, if owned and/or operated by a political subdivision, are currently subject to OAC 252:515 therefore no economic impact is anticipated as a result of the proposed rulemaking.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** No significant economic impact on small business is anticipated.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** DEQ will incur and absorb any additional costs associated with the proposed rulemaking, though none are expected. A benefit to DEQ is maintaining clear deadlines and ensuring precise wording throughout Chapter 515.

11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.

12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The source of revenue to be used to implement and enforce the proposed rulemaking are fees previously established and collected pursuant to 27A O.S. § 2-10-802.

13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None.

14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation in implementing or enforcing the proposed rule changes will be required from any political subdivision.

15. **EXPLANATION OF THE MEASURES DEQ TOOK TO MINIMIZE**

**COMPLIANCE COSTS:** DEQ will be absorbing any additional costs associated with the proposed rulemaking, though none are anticipated, and will not be proposing any additional permitting or disposal fees at this time.

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 other such methods of achieving the purpose of the proposed rule.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND**

**ENVIRONMENT:** The proposed rulemaking will have a positive effect on public health, safety, and the environment by maintaining clear deadlines and ensuring precise wording throughout Chapter 515.

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 rulemaking is designed to reduce risks to public health, safety, and the environment by ensuring that solid waste disposal facilities meet deadlines to have adequate cost estimates and financial assurance in place to cover closure, post-closure, and/or corrective action.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC**

**HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed rulemaking is not implemented, DEQ’s ability to consistently regulate solid waste disposal facilities could be affected.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES, INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE:** The proposed rulemaking will impact all business entities that own and/or operate solid waste disposal facilities. However, the qualitative and quantitative impact on these business entities will be minimal, as the proposed rulemaking is an attempt to amend the current regulations pertaining to solid waste disposal facilities to maintain clear deadlines for submittal of cost estimates and financial assurance documentation and to ensure precise wording throughout Chapter 515.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** December 20, 2019