

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

Before the Hazardous Waste Management Advisory Council October 26, 2023
Before the Environmental Quality Board February 13, 2024

RULE IMPACT STATEMENT

DESCRIPTION: The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2023. The rule change for this incorporation by reference revises 40 CFR Part 266.104(e)(1) to allow the use of EPA Method 23 as an alternative to SW-846 Method 0023A when determining emission rates of tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans while conducting a required site-specific risk assessment of boilers and industrial furnaces (BIFs) operating under certain conditions. Additionally, this rule modification makes a conforming change to 40 CFR Part 266 Appendix IX.

CLASSES OF PERSONS AFFECTED: There are no BIFs currently operating in Oklahoma subject to the organic emissions control standards in 40 CFR Part 266 Subpart H. BIFs operating in Oklahoma at present are either subject to the Maximum Achievable Control Technology (MACT) requirements of 40 CFR Part 63 of the Clean Air Act rather than the BIF emission control standards under RCRA; or are otherwise exempt from these standards by qualifying for the Small Quantity On-Site Burner or the Smelting, Melting, and Refining Furnace Exemptions in Subpart H of 40 CFR Part 266.

CLASSES OF PERSONS WHO WILL BEAR COSTS: This proposed rule change provides an alternative method for determining emission rates and, therefore, no additional costs would be incurred by any affected persons.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: No additional costs will be borne by private/public entities.

CLASSES OF PERSONS BENEFITTED: There are currently no parties in Oklahoma who will benefit from this proposed rule. Prospective entities who will operate BIFs under interim status or a RCRA permit will possibly benefit.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: Although there are no persons in Oklahoma currently affected by this proposed rule change, a positive economic impact is possible for those subject to 40 CFR Part 266 Subpart H in the future due to the availability of an additional option for determining emission rates.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: This proposed rule is not expected to have any current economic impact on political subdivisions.

POTENTIAL ADVERSE EFFECTS ON SMALL BUSINESSES: This proposed rule will

not adversely affect small businesses.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: No fee changes are associated with this proposed rulemaking.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: No increase in DEQ funding is necessary to implement this proposed rulemaking.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: No other agencies have jurisdiction to implement and enforce this proposed rule.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: The proposed rule change will not require additional revenue for implementation and enforcement.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES IF IT CAN BE PROJECTED: No net loss or gain in revenues for DEQ or other agencies will result from this proposed rulemaking.

COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE: No cooperation by other political subdivisions is anticipated to implement or enforce the proposed rule.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: No compliance costs are anticipated due to the proposed rule changes.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: None. The proposed rule change is to maintain equivalency with federal regulations.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: This proposed rule will have no effect on public health, safety, and the 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: The intent of this rule change is not to reduce risks to public health, safety, and the environment but rather to provide an alternative to SW-846 Method 0023A when determining emission rates during a required site-specific risk assessment of boilers and industrial furnaces

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: Although no detrimental effect on public health, safety, and the environment will result due to

not implementing this proposed rule, failure to pass the proposed revisions to OAC 252:205 will result in the DEQ hazardous waste rules not being equivalent to the federal regulations.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE: No major quantitative or qualitative impact on business entities is expected as a result of this rule change.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 22, 2023.