

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

RULE IMPACT STATEMENT

**SUBCHAPTER 5. REGISTRATION, EMISSION INVENTORY AND ANNUAL OPERATING FEES**

**252:100-5-2. Registration of potential sources of air contaminants. [AMENDED]**

**252:100-5-2.1. Emission inventory [AMENDED]**

**252:100-5-3. Confidentiality of proprietary information [AMENDED]**

Before the Air Quality Advisory Council, July 17, 2013

Before the Environmental Quality Board, Aug 20, 2013

1. **DESCRIPTION:** The Department is proposing to modify Subchapter 5, Registration, Emission Inventory and Annual Operating Fees to amend the current emission inventory reporting schedule in OAC 252:100-5-2.1 for all minor source facilities registered under a Permit By Rule (PBR). The current rule requires PBR facilities with emissions greater than 5 tons per year to file an emission inventory every year and PBR facilities with emissions less than 5 tons per year to file an emission inventory every five years. Under the proposed rule, PBR facilities would be required, at a minimum, to submit an annual emission inventory for the first calendar year in which the facility is registered under a PBR and according to the following schedules thereafter:
  - PBR facilities with actual emissions greater than 5 tons per year would be required to submit an emission inventory every three years, coinciding with the National Emissions Inventory (NEI) Three-Year Cycle Inventory defined in 40 CFR Section 51.30(b).
  - PBR facilities with emissions of 5 tons or less per year would be required to submit an emission inventory every six years, coinciding with every second NEI Three-Year Cycle Inventory defined in 40 CFR Section 51.30(b).

Additionally, DEQ will be removing and updating obsolete language in 252:100-5-2, -2.1, and -3. This proposal does not include any changes to annual operating fees and is in response to requests received from industry.

2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of minor facilities and area sources that are registered under a Permit by Rule.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** No additional costs are associated with this proposed change.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received no information on cost impacts due to the proposed changes from private or public entities; however, this proposed rule change is in response to industry

comments and requests received during a previous rulemaking.

5. **CLASSES OF PERSONS BENEFITTED:** The owners and operators of minor source facilities registered under a PBR will benefit from the less frequent emission inventory reporting schedule contained within the proposed rule change.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** No new adverse economic impacts are anticipated for affected classes of persons due to this rule. The affected classes of persons will benefit from less frequent emission inventory reporting requirements.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There should be no adverse effect on small business as a result of this proposal. On the contrary, small business owners or operators will benefit from the less frequent emission inventory reporting requirements contained within the proposed rule change.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The Department is not proposing any fee changes in this rule.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department would benefit from the emission inventory data collected during National Emission Inventory years. No additional costs are anticipated by the department for the implementation and enforcement of the proposed changes.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing this proposed rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Fees and federal grants will continue to be used to implement and enforce this rule proposal.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department has not projected a net loss or gain in revenues from these amendments.
14. **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 this rule.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The Department's proposal will minimize the cost of compliance for minor source facilities registered under a PBR.
16. **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.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed revisions are not expected to have an impact on the public health, safety, and environment.
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 revision is not expected to have an impact on the public health, safety, and environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** No detrimental effect on the public health, safety or environment is expected if the proposed rule is not implemented.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There are no significant direct economic burdens or costs as a result of this proposal. The proposal should have a beneficial impact to business entities by lessening the reporting frequency for all facilities registered under a PBR.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** June 6, 2013