

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

RULE IMPACT STATEMENT

**SUBCHAPTER 25. VISIBLE EMISSIONS AND PARTICULATES**

**252:100-25-5. [AMENDED]**

**SUBCHAPTER 31. CONTROL OF EMISSION OF SULFUR COMPOUNDS**

**PART 5. NEW EQUIPMENT STANDARDS**

**252:100-31-25. [AMENDED]**

Before the Air Quality Advisory Council, July 18, 2012 and October 17, 2012

Before the Environmental Quality Board, November 7, 2012

1. **DESCRIPTION:** The Department is proposing to move an existing continuous opacity monitoring requirement from OAC 252:100-31, Control of Emission of Sulfur Compounds, to OAC 252:100-25, Visible Emissions and Particulates, which is a more appropriate location. The proposal is not intended to add any additional requirement for facilities subject to either subchapter. However, the existing language of OAC 252:100-25-5 has been modified to accommodate the change, to clarify the requirements and applicability, and to remove certain provisions that no longer apply.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of "new" (post-1972) fuel-burning equipment with design heat input value of 250 MMBTU/hr or more, i.e., that are subject to the opacity monitoring provisions of OAC 252:100-31-25(3)(A)(i).
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** No additional costs are expected as a result of this change. The classes of persons who will bear costs of the existing provisions are the owners and operators of sources that are currently subject to the opacity monitoring provisions of OAC 252:100-31-25(3)(A)(i).
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has received information on possible cost impacts of the proposal from a regulated entity. Staff has evaluated the information provided, and believes that the cited change would not result in increased costs.
5. **CLASSES OF PERSONS BENEFITTED:** The owners and operators of sources that are subject to OAC 252:100-31-25(3)(A)(i) and the citizens of the State of Oklahoma will benefit from clarification of the rule.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** No economic impacts are expected as a result of the proposed changes, since no additional costs are expected to be associated with this change.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There are no significant anticipated adverse effects on small business as these modifications would affect primarily large facilities.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes proposed in these rules.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department anticipates no increased cost to implement and enforce the proposed rule changes.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing these rules.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and fees will continue to be used to implement and enforce these rules.
13. **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.
14. **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 these rules.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No measures were necessary. The Department anticipates no change in compliance costs.
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 rules.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The Department has determined that the proposed rule changes will have no adverse 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 specific rule changes are not expected to have an appreciable impact on the risk to public health, safety, and environment, as the affected facilities must comply with the existing opacity monitoring requirements, regardless of whether the requirements are located in Subchapter 25 or 31.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Without this rule change, it would be more difficult for the Department to assure that affected facilities are aware of and complying with existing opacity monitoring requirements.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department has identified no probable quantitative or qualitative impacts on business entities.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** June 15, 2012

**MODIFIED ON:** September 17, 2012