

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

Before the Air Quality Advisory Council on October 16, 2025
Before the Environmental Quality Board on November 6, 2025

RULE IMPACT STATEMENT

Subchapter 11. Alternative Emissions Reduction Plans and Authorizations [REVOKED]

252:100-11-1 [REVOKED]

252:100-11-2 [REVOKED]

252:100-11-3 [REVOKED]

252:100-11-4 [REVOKED]

252:100-11-5 [REVOKED]

252:100-11-6 [REVOKED]

252:100-11-7 [REVOKED]

Subchapter 33. Control of Emission of Nitrogen Oxides [REVOKED]

252:100-33-1 [REVOKED]

252:100-33-1.1 [REVOKED]

252:100-33-1.2 [REVOKED]

252:100-33-2 [REVOKED]

A. Statement of need for the rule change and legal basis supporting it.

The Department of Environmental Quality (DEQ) is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective.

The proposed change is needed in order to clean up potentially obsolete and ineffective rules.

The legal basis for the proposed changes is supported by:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

The proposed rule is a non-major rule change because no new costs are expected with this rulemaking and thus the business cost estimate will not exceed the threshold of \$1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The proposed rule change would revoke state rules that impose additional requirements on facilities and therefore there are no associated compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

DEQ is proposing to revoke Subchapter 11. Alternative Emissions Reduction Plans and Authorizations and Subchapter 33. Control of Emission of Nitrogen Oxides as they have been identified as outdated and ineffective. On February 3, 2020, Governor Stitt signed Executive Order 2020-03, which directed all state agencies to review “agency’s administrative rules to identify costly, ineffective, duplicative, and outdated regulations.” During DEQ’s comprehensive rule review, Subchapter 11 and Subchapter 33 were both identified as being potentially obsolete and ineffective. The gist of this rule proposal and the underlying reason for the rulemaking is to implement the Executive Order by “streamlining state government” through revocation of unnecessary rules.

This proposed rule change is not mandated by federal law nor is it required in order to participate or implement a federal program. The revocation of Subchapter 33 would remove additional, stringent requirements that was imposed by the state rule. Any entities impacted by the associated changes would be subject to less stringent federal requirements therefore this change does not exceed the requirements of the federal law. There is no equivalent federal regulation to Subchapter 11 therefore the proposed rulemaking does not exceed any requirements of the federal law.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

The classes of persons affected by the proposed changes would be the owners and operators of regulated sources of air emissions and the citizens of Oklahoma. These classes would ultimately bear the costs of the proposed rule changes, however, there are no new costs associated with this rulemaking and DEQ has received no additional information on cost impacts from private or public entities.

E. Description of the classes of persons who will benefit from the proposed rule(s).

The classes of persons affected by the proposed changes, the owners and operators of regulated sources of air emissions and the citizens of Oklahoma, will benefit from the rulemaking. The proposed rule change would revoke potentially obsolete rules which include additional, stringent requirements compared to the equivalent federal regulations where applicable.

F. Comprehensive analysis of the rule change’s economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

DEQ expects negligible economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity. There are no fee changes included in this rulemaking and DEQ expects no net loss or gain in revenues as a result. There will be no new quantitative impact on business entities and no expected change to the full-time-employee count of the agency from this rule proposal.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

The economic impact of this rulemaking was determined to be negligible as the proposed

rulemaking is a revocation of more stringent state rules. The affected classes of persons impacted by this rulemaking are subject to federal requirements regardless so there is no expected change in cost or benefits to applicable facilities. As there is no assumed cost associated with the rulemaking, there is no methodology nor assumptions used to determine this impact.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions due to this rulemaking activity and thus does not require their cooperation in implementation or enforcement.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

No adverse economic effects on owners and operators of small businesses are expected as a result of this rulemaking.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/are designed to reduce significant risks to the public health, safety and environment, an 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 risk and will have a negligible effect on public health, safety, and the environment as a result of the rulemaking.

L. Determination of any detrimental effect on the public health, safety and environment if the proposed rule(s) is/are not implemented.

If the proposed rule is not implemented there are no anticipated detrimental effects on public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

DEQ has determined that there are no less costly or nonregulatory methods of achieving the purpose of the proposed change.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

Approximately 160 hours would be spent on the research and development of this rule proposal by full-time state employees. Existing resources would be utilized to develop the rule, and no additional resources would be necessary.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

There are multiple existing federal regulations under the New Source Performance Standards (NSPS) in 40 CFR Part 60 that address activities similar to Subchapter 33. Applicable federal rules include but are not limited to 40 CFR 60 Subparts: D, Da, Db, Ea, Eb, Ec, G, GG, IIII, JJJJ, and KKKK.

The federally equivalent rules found in 40 CFR 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) and Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) include standards for new engines that are higher than the equivalent limits under Subchapter 33. Compliance with all requirements of 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines) and KKKK (Standards of Performance for Stationary Combustion Turbines), including emission limits and as specified in a currently applicable AQD permit, is found to be comparable to the requirements under Subchapter 33 for gas turbines. The affected classes of persons impacted by this rulemaking are subject to the equivalent federal requirements as required under their permit and as required by EPA.

There is no equivalent federal regulation to Subchapter 11 that would address the activities of this proposed rule change. This rule was initially added to provide facilities flexibility in emission reduction by allowing offsets between emission points within the facility. The revocation of this rule would remove this option of internal trading and require facilities to adhere to actual emission point limits as required under their permit and expected by EPA for all individual permits.

P. This rule impact statement was prepared on: September 15, 2025
Modified on: