

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

Before the Air Quality Advisory Council on April 22, 2026
Before the Environmental Quality Board on June 9, 2026

RULE IMPACT STATEMENT

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources
252:100-8-6 [AMENDED]

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

This rulemaking proposes to update language in OAC 252:100-8-6 to correct typographical errors and improve rule language. The gist of this proposal is to provide greater clarity to permitted facilities on the subject of operational flexibility.

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 change 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).

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.

The Department of Environmental Quality (DEQ) is proposing to amend OAC 252:100-8-6(f), which describes operational flexibility for Part 70 sources. The purpose of the revision is to better align the existing rule with the language concerning operational flexibility as contained in 40 CFR 70.4(b)(12)(i), which draws from the federal Clean Air Act (CAA) Section 502(b)(10).

In addition, DEQ is proposing to correct two instances of a missing space between words in OAC 252:100-8-6. These two typos and the language improvements to subsection (f) are not substantive changes in terms of rule interpretation.

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. 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 owners and operators of regulated sources of air emissions will benefit from the improved clarity this rulemaking will provide.

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 revenue 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 rulemaking does not create or remove any obligation under OAC 252:100. As there is no assumed cost associated with this rulemaking, there was no methodology or assumption used to determine this negligible 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.

DEQ anticipates no adverse economic effects on owners and operators of small business due to 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.

DEQ anticipates no additional compliance costs due to this rulemaking and has therefore not taken any additional measures.

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.

This rulemaking is not designed to reduce significant risk and will have a negligible effect on public health, safety, and the environment.

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

DEQ anticipates no detrimental effect on public health, safety, or the environment if the rulemaking is not implemented.

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 60 hours would be spent on the research and development of this rulemaking 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.

This rulemaking addresses operational flexibility for Part 70 sources, which are allowed to make certain changes without a permit revision under 40 CFR 70.4(b)(12)(i). The changes that are deemed permissible under Part 70 are codified at CAA Section 502(b)(10). The intent of this rulemaking is to better align the existing rule with the language contained in 40 CFR Part 70 and CAA Section 502.

**P. This rule impact statement was prepared on: March 16, 2026
Modified on:**