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

Before the Air Quality Advisory Council on December 9, 2026
Before the Environmental Quality Board on January 20, 2027

RULE IMPACT STATEMENT

Subchapter 19. Control of Emission of Particulate Matter
252:100-19-4 [AMENDED]
252:100-19-12 [AMENDED]
252:100-19-13 [AMENDED]
Appendix G. Allowable Particulate Matter Emission Rates for Directly Fired Fuel-Burning Units and Industrial Process [AMENDED]

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

The Department of Environmental Quality (DEQ) is proposing to amend Subchapter 19 and Appendix G in OAC 252:100 to incorporate permitting policy currently followed by DEQ, amend typographical errors, and standardize language in Subchapter 19 with the rest of OAC 252:100. This proposed rulemaking provides greater clarity to the regulated community on the subject of particulate matter emissions from directly fired fuel-burning units and industrial processes.

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. Establishes a 13-member, rule-promulgating body for DEQ with authority to review, adopt, amend or repeal rules required to execute environmental laws and policies.
Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107. Establishes a governor-appointed, stakeholder-driven body that holds public hearings and formally recommends all state air quality rules before adoption by the Environmental Quality Board.
Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130. Establishes legal framework for Oklahoma's air quality program, granting DEQ statutory authority to monitor air quality, issue permits, enforce compliance, and implement requirements under the federal Clean Air Act.
Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304. Authorizes DEQ to develop and implement a three-tier permitting system that unifies public participation, legal notice requirements, and administrative procedures for all permits issued by DEQ.

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 rule amendment would align OAC

252:100-19-12 with existing permitting policy currently followed by units and facilities subject to that Section, so no subsequent costs to businesses, government entities, or individuals are reasonably expected.

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 purpose of this rule proposal is to align DEQ regulations with current DEQ permitting policy for facilities subject to OAC 252:100-19-12. This proposed amendment is not mandated by federal law or required to participate in or implement a federal program. It also does not exceed the 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.
Owners and operators of units and facilities subject to OAC 252:100-19-12 are likely to gain clarity on DEQ policies because of this proposed rule. No increases in costs are expected, and no cost impacts were received by DEQ.

E. Description of the classes of persons who will benefit from the proposed rule(s).
The regulated community subject to OAC 252:100-19-12 and other members of the public will benefit from increased clarity in DEQ regulations.

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 or policy 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 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 businesses 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.

There are no additional compliance costs expected due to this rule; therefore, 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.

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.

If the rulemaking is not implemented, DEQ anticipates no detrimental effect on public health, safety, or the environment because DEQ policies would remain in effect.

M. Analysis of alternatives to adopting the rule.

Because this rulemaking primarily serves to align OAC 252:100 with current policy, 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 24 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.

There are no existing or proposed federal regulations that govern the proposed change. The interaction between this proposed rule and federal regulations is insignificant.

P. This rule impact statement was prepared on: November 2, 2026
Modified on: