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 2. Incorporation By Reference
252:100-2-3 [AMENDED]
Appendix Q. Incorporation By Reference [AMENDED]

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

DEQ must update its rules to maintain consistency with federal regulations promulgated by the Environmental Protection Agency (EPA). This rulemaking proposes to update language in OAC 252:100-2, Incorporation by reference, and the content in OAC 252:100, Appendix Q, Incorporation by Reference, to integrate the latest changes and additions to Title 40 of the Code of Federal Regulations (CFR), including but not limited to Part 60, New Source Performance Standards (NSPS) and Parts 61 and 63 National Emission Standards for Hazardous Air Pollutants (NESHAP), and other EPA regulations referenced in Chapter 100. This ensures that state rules reflect the most current federal requirements.

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 to 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). This proposed rule only incorporates by reference preexisting federal regulations. Therefore, this proposed rule will not impose any additional costs that the referenced federal rule(s) did not already impose upon affected facilities.

Of the added rules to Appendix Q, Part 60 Subparts KKKKa and Kc showed low economic impacts[1]. The screening analyses claimed that the costs of the final rule will not significantly impact the associated markets and any increasing operation costs are comparatively minimal[2].

For Part 60 Subparts WWWW (existing facilities) and VVVV (new, modified, or reconstructed facilities) the only facility in Oklahoma known to DEQ at present that would bear these costs is a single large Municipal Waste Combustor (MWC). The estimated cost for this facility is $101,341 per unit as provided by EPA[3]. It should be noted that in this analysis EPA said that this estimate could be conservatively high as the SO_2 data is based on annual highest CEMS averages and there are several data gaps[4]. Foreseen costs for the Oklahoma facility include a control measure (increased lime injection rate), but the analysis explained that there is significant uncertainty in these costs as some values could be overestimated. Lastly, any cost to an existing MWC would only take place when the state promulgates amendments to OAC 252:100-17, submits a revised state plan, and EPA approves said plan.

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 update language in Subchapter 2, Incorporation by Reference, to reflect the incorporation of EPA regulations as of June 30, 2026. DEQ is also proposing to update the content in OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. The gist of these rule proposals and the underlying reasoning for the rulemaking is to incorporate the latest changes or additions to 40 CFR Part 60 NSPS, 40 CFR Parts 61 and 63 NESHAP, and other EPA regulations referenced in Chapter 100.

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 most likely to be affected by the proposed rules are the owners and operators of facilities that are subject to the federal regulations being incorporated by reference. These same owners and operators are the class of persons who will bear any costs associated with the rules, however, no direct state costs are expected to be incurred by these persons. DEQ has not received any additional information regarding cost impacts from private or public entities.

[1] From "Economic Impact Analysis for the Final New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels (Tanks)" published August 19th, 2024, per EPA Docket No. EPA-HQ-OAR-2023-0358
[2] From "Regulatory Impact Analysis for the New Source Performance Standards Review for Stationary Combustion Turbines" published November 2024, per EPA Docket No. EPA-HQ-OAR-2024-0419
[3] From "Compliance Cost Analyses for Proposed Large MWC Rule Amendments" published January 23, 2024, per EPA Docket No. EPA-HQ-OAR-2017-0183-0014
[4] From "Regulatory Impact Analysis for the Final Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors" published March 2026, per EPA Docket No. EPA-HQ-OAR-2017-0183-0252

E. Description of the classes of persons who will benefit from the proposed rule(s).
The citizens of Oklahoma will benefit from the proposed rule amendments by the assurance that the most current regulations available are in place to protect public health and welfare.

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 no new 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 as it aligns state rules with preexisting federal standards, without imposing any additional requirements that are not already present in the federal regulations.

Cost analyses were conducted by the EPA, in accordance with federal requirements, when it originally proposed the federal regulations that are referenced in this rule. DEQ anticipates no changes to full-time-employee counts, and no fee changes are included in this rulemaking. DEQ anticipates there will be no significant costs associated with the implementation and enforcement of these proposed amendments. DEQ will benefit from the proposal because it will allow state implementation and enforcement of these federal requirements.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.
DEQ's methodology in determining the conclusion above is based on the fact that the preexisting federal regulations referenced in this proposed rule are already applicable to the affected parties or will trigger a future state or federal rulemaking with equivalent requirements to those being incorporated by reference. Therefore, this proposed rule enacts no new requirements. The owners and operators of facilities subject to this rulemaking are expected to experience the same costs associated with compliance that they currently experience. Per the business cost estimates included in item A of this document the economic and regulatory analyses were conducted by EPA and included in the federal rulemaking docket. Where costs are mentioned, the applicable documents are cited in the footnotes.

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. No cooperation from political subdivisions is required to implement or enforce the rule. DEQ will be responsible for all aspects of implementation and enforcement of these regulations.

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 impact on small businesses. Since these federal rules are already in place, economic impacts on small businesses will not change.

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. The proposed rule changes are in conformity with the regulations mandated by EPA, which represent the minimum requirements necessary to protect the environment and the public's health and safety, according to the current federal policy.

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 referenced preexisting federal regulations in this proposed rulemaking generally have a positive effect on public health, safety, and the environment by reducing emissions and sustaining protections against air toxics and pollutants. No additional benefits are expected from this proposed rule.

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 changes are not implemented, the updated standards will be enforced by the federal government rather than the State. There will be no detrimental effect on public health, safety and environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.
DEQ has determined that full incorporation of these rules is the least costly and most effective method to achieve consistency with federal regulations without regulatory gaps. Failure to do so could place Oklahoma's delegated authority status at risk.

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.
DEQ staff estimate less than 50 hours of professional time for rule development, including but not limited to, rule drafting, legal review, stakeholder coordination, formally presenting rule changes to the Air Quality Advisory Council and Environmental Quality Board, managing public comment periods, and filing the final rule.

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.
These state amendments directly incorporate federal rules from 40 CFR Parts 60, 61, and 63, mirroring their scope, stringency, and compliance mechanisms without deviation.

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