

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

Before the Air Quality Advisory Council on July 24, 2024
Before the Environmental Quality Board on September 10, 2024

RULE IMPACT STATEMENT

APPENDIX E. PRIMARY AMBIENT AIR QUALITY STANDARDS [AMENDED]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to amend Appendix E to maintain consistency with the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency (EPA) to protect public health. Specifically, the annual Primary Ambient Air Quality Standard for fine particulate matter (PM_{2.5}), as listed in Appendix E, is being amended to reflect recent changes made by EPA in lowering the annual standard from 12.0 µg/m³ to 9.0 µg/m³. The corresponding 24-hour maximum standard is not affected by this rule change. The gist of the proposed rule is to update Appendix E to ensure it is consistent with the federal NAAQS published on March 6, 2024 (89 FR 16202).

CLASSES OF PERSONS AFFECTED: The owners and operators of regulated sources and citizens of Oklahoma will be affected. These changes will ensure that Oklahoma standards in Appendix E are aligned with the federal requirements and are sufficiently protective of public health.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The owners and operators of regulated sources of air emissions and the citizens of the state of Oklahoma will bear the costs. There are no new costs associated with this rulemaking activity.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has received no information on cost impacts from private or public entities. The purpose of the proposed rule is to maintain consistency with the federally promulgated NAAQS. In setting the NAAQS, the EPA may not consider the costs of implementing the standards. For informational purposes only however, the EPA prepared a Regulatory Impact Analysis (RIA) to provide the public with information on the potential costs and benefits of attaining the new standard (89 FR 16202).

CLASSES OF PERSONS BENEFITTED: The owners and operators of regulated sources and the citizens of Oklahoma will benefit from the changes because they ensure that state primary PM_{2.5} standards are aligned with the federal standards and sufficiently protective of public health.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: The Department expects no significant economic impact on the affected classes of persons from this rulemaking activity.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department anticipates no economic impact on political subdivisions due to this rule.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: No adverse effects on owners and operators of small businesses are expected due to this rule.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The Department is not proposing any fee changes in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: No additional costs to DEQ to enforce or implement the rule are anticipated.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: No other agencies will be implementing or enforcing the proposed rule.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Existing fees and federal grants will continue to be used to implement and enforce these regulations.

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.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: No other agencies will be implementing or enforcing the proposed rule.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: There are no additional compliance costs expected due to this rule, so no measures were taken.

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 methods of achieving the purpose of the proposed change.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The changes are based on national standards, which were established to protect public health. These changes will ensure that Oklahoma standards in Appendix E are aligned with the federal standard and sufficiently protective of public health.

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 changes will have a positive effect on public health, safety, and the environment as the proposed rule changes will reinforce the state air quality program to ensure protection of the public health.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH,

SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

Not implementing the proposed amendments would not have any detrimental effect on public health, safety, or environment since the purpose of the revisions is to align state regulations with existing federal requirements.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):

There should be no quantitative impact on business entities since the proposed changes will align state standards with the current federal standards. The qualitative impact is that business entities will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: June 17, 2024
MODIFIED ON: