

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZAROUS WASTE MANAGEMENT**

Before the Hazardous Waste Management Advisory Council October 23, 2025
Before the Environmental Quality Board January 21, 2026

RULE IMPACT STATEMENT

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

The Department of Environmental Quality (DEQ) is proposing to amend Subchapter three (3), Incorporation by Reference in OAC 252:205, to make DEQ's hazardous waste rules consistent with the federal regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2025.

The legal basis for the proposed changes is supported by:
Environmental Quality Board; 27A O.S. §§ 2-2-101 and 2-2-104.
Hazardous Waste Management Advisory Council; § 2-2-201.
Oklahoma Hazardous Waste Management Act; §§ 2-7-105, and 2-7-106.

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

The proposed rules represent non-major rule changes. (1) The United States Environmental Protection Agency (USEPA) estimates that the first rule described in section C of this document will decrease the financial burden on all entities that manifest waste. (2) The establishment of 40 CFR 266 Subpart Q, which is the second rule change mentioned in section C, is expected to be cost neutral or to provide some savings from reduced compliance burden on affected entities, according to USEPA. (3) The third rule change finalizes five amendments that were previously withdrawn in the USEPA's December 6, 2023, partial withdrawal of the August 9, 2023, direct final rule. Because the direct final rule consists of technical corrections, no costs will be incurred by its adoption or a slight savings may be realized due to reduced ambiguity or confusion associated with the affected regulations.

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.

(1) The first amended regulation addresses manifest and electronic manifest (e-Manifest) requirements for shipments of hazardous waste, including those specific to hazardous waste imports and export; requirements pertaining to the international movement document for imports and exports of hazardous waste; the manifest data correction process; and the Discrepancy, Exception and Unmanifested Waste Reports. Additionally, this rule modification makes technical corrections to address typographical errors in the e-manifest regulations. This rule was promulgated under the e-Manifest Act as well as under the authority of the Hazard and Solid Waste Amendments of 1984 (HSWA). States must adopt HSWA-based requirements and prohibitions or state-law equivalents to retain final authorization. (2) The second rule change establishes 40 CFR 266 Subpart Q which describes alternative standards for the recovery and recycling of lower flammability

hydrofluorocarbons and hydrocarbon substitutes as well as making conforming changes to corresponding parts of the hazardous waste regulations. The addition of subpart Q to 40 CFR part 266 was finalized by USEPA under HSWA authority. (3) The third change finalizes five revisions to the August 9, 2023, direct final rule that made technical corrections to the 2016 Hazardous Waste Generator Improvements Rule, the 2019 Hazardous Waste Pharmaceutical Rule and the 2018 Vacatur of the Definition of Solid Waste Rule. The revisions being adopted amend the 2016 Hazardous Waste Generator Improvements Rule and the 2019 Hazardous Waste Pharmaceutical Rule. The five modifications are among eight amendments that were withdrawn due to the receipt of adverse comments. The technical corrections finalized in this rule change are under HSWA and non-HSWA authority. Failure to adopt the HSWA portions would jeopardize state authorization. Each of the three proposed rule changes will be incorporated by reference and therefore equivalent to the rules finalized by the USEPA.

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 first rule change include: (1) hazardous waste generators; hazardous waste transporters; owners and operators of treatment, storage, and disposal (TSD) facilities; entities who are involved in transboundary movements of hazardous waste including exporters, importers and owner/operators of disposal and recovery facilities and entities who are required to complete hazardous waste exception reports, discrepancy reports, or unmanifested waste reports. (2) those who recover, recycle or receive ignitable spent refrigerants that are not highly flammable. (3) hazardous waste generators; hazardous waste transporters; owners and operators of treatment, storage, and disposal facilities. DEQ has not received any information on cost impacts as of this date.

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

(1) The regulated community will benefit as a result of increasing the utility of and reducing the overall burden associated with the e-manifest system. (2) Persons who recover, recycle or receive ignitable spent refrigerants that are not highly flammable will benefit from relaxed regulation of these materials (3) Persons subject to or otherwise interpreting the 2016 Hazardous Waste Generator Improvements Rule and the 2019 Hazardous Waste Pharmaceutical Rule will benefit from improved clarity of these regulations. Additionally, the citizens of Oklahoma will benefit from enhanced protection of human health and the environment that will result from: (1) an improved e-manifest system (2) reducing emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling of such refrigerants during the service, repair and disposal of appliances.

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.

(1) A net positive economic impact is expected for all classes of persons affected by this rule change. There will be no impact on full-time DEQ employee count. DEQ personnel will have greater online access to hazardous waste manifests which will improve efficiency in the evaluation of hazardous waste transportation and overall hazardous waste activity in the state. (2) Cost savings or no economic impact is anticipated for persons directly involved in the recovery, recycling or receipt of ignitable spent refrigerants. This rule change will have no bearing on the full-time DEQ employee count nor are other entities expected to be affected economically by this rule change. (3) This rule change will have no bearing on the full-time DEQ employee count nor are other entities expected to be affected economically.

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

(1) Data utilized to determine the economic impact associated with this rule change was obtained from Exhibit ES-5 in *Regulatory Impact Analysis, EPA's 2024 Final Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections* (2) See Section 5.5 (Comparison of Costs and Benefits of RCRA Amendments) in *Draft Regulatory Impact Analysis Addendum: Analysis of the Economic Impact and Benefits of the Proposed Rule: American Innovation and Manufacturing (AIM) Act Subsection H, Management of Regulated Substances* for information pertaining to economic impacts. (3) Minor technical corrections will not have an economic 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).

(1) Political subdivisions that generate hazardous waste and are required by the Resource Conservation and Recovery Act (RCRA) to use the hazardous waste manifest that are currently not registered with the e-manifest system will be required to register. USEPA estimates that a one-time cost of 0.15 hours of technical labor will be expended for each entity/registration. If every hazardous waste generator in Oklahoma, political subdivision or otherwise, previously registered or otherwise, who is required to register with the e-manifest system (544 in FY 2025 not including TSDs, short-term generators, or military facilities) invested 0.15 hours of labor at an hourly wage of \$41.52 (USEPA estimate) submitted a registration, the total cost would be \$3,388.03. All other aspects of this rule change will result in net savings for hazardous waste generators. (2) USEPA anticipates that political subdivisions who may recover, recycle or receive ignitable spent refrigerants will see cost savings or no economic impact as a result of this rule change. (3) This rule change consisting of technical corrections and clarifications should have no economic impact on political subdivisions. No cooperation with political subdivisions to implement or enforce these rule changes will be required: (1) USEPA will maintain responsibility for

implementing the e-manifest system with DEQ providing regulatory oversight. (2) DEQ will be responsible for regulatory oversight of 40 CFR 266 Subpart Q. (3) Likewise, DEQ is responsible for the enforcement of the Hazardous Waste Generator Improvements Rule and Pharmaceutical Rule which are the regulations affected by this rule change.

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.

(1) Businesses that generate hazardous waste and are required by RCRA to use the hazardous waste manifest that are currently not registered with the e-manifest system will be required to register. USEPA estimates that a one-time cost of 0.15 hours of technical labor will be expended for each entity/registration. If every hazardous waste generator in Oklahoma, previously registered or otherwise, who is required to register with the e-manifest system (544 in FY 2025 not including TSDs, short-term generators, or military facilities) invested 0.15 hours of labor at an hourly wage of \$41.52 (USEPA estimate) submitted a registration, the total cost would be \$3,388.03. All other aspects of this rule change will result in net savings for hazardous waste generators. (2) USEPA anticipates that small businesses who may recover, recycle or receive ignitable spent refrigerants will see cost savings or no economic impact as a result of this rule change. (3) This rule change consisting of technical corrections and clarifications should have no economic impact on small businesses.

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.

The proposed rule changes will be incorporated by reference. DEQ is taking no additional measures to minimize cost and impact.

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.

(1) An improved and better-integrated hazardous waste manifest system should result in improved efficacy and safety during transportation of hazardous waste. (2) This rule change is expected to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing recovery and safe recycling during the service, repair and disposal of appliances which will have a positive effect on public health, safety and the environment. (3) Greater regulatory clarity reduces the likelihood of rule misinterpretation and any concomitant risk to 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.

(1) This rule was promulgated under the e-Manifest Act as well as under the authority of (HSWA). States must adopt HSWA-based requirements and prohibitions or state-law equivalents to retain final authorization, the loss of which would have a detrimental effect on public health, safety and the environment of the state of Oklahoma. (2) The addition of

subpart Q to 40 CFR part 266 was finalized by USEPA under HSWA authority due to its purpose of reducing air emissions from the management of ignitable spent refrigerants in accordance with USEPA's mandate to control air emissions from hazardous waste management. Rules promulgated under HSWA authority require adoption by states to maintain authorization of the RCRA program. (3) Less regulatory clarity could result in a greater degree of noncompliance. The technical corrections finalized in this rule change are under HSWA and non-HSWA authority. Failing to adopt the HSWA portions would jeopardize state authorization.

M. Analysis of alternatives to adopting the rule.

Because the proposed rule changes would be incorporated by reference, no alternative adaptations were analyzed.

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.

The proposed rules were developed by the USEPA. Therefore, no time or other resources were spent by state employees in rule development.

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.

The proposed rulemaking consists strictly of rules finalized by the USEPA. Such a summary or comparison would be redundant.

P. This rule impact statement was prepared on: September 29, 2025