

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 645. SEPTAGE PUMPERS AND TRANSPORTERS**

Before the Water Quality Management Advisory Council on October 13, 2009

Before the Environmental Quality Board on February 26, 2010

RULE IMPACT STATEMENT

1. **DESCRIPTION:** There are four (4) primary reasons for the proposed rulemaking. The first is to require training for individuals who are licensed to pump, haul, and store septage, operate a septage land application site, or treat septage as a means of final disposal. Requiring training will ensure that the licensed individuals have actual knowledge of the regulations and are aware of best management practices for handling septage. Facilities already permitted by DEQ's Water Quality Division to accept septage would be exempt from having to obtain another license under this regulation.

The second reason for the proposed rulemaking is to allow the temporary storage of septage when the preferred disposal method is unavailable (e.g., land application site too wet, municipal wastewater treatment plant closed, etc.).

The third reason for the proposed rulemaking is to allow individuals to operate a treatment facility that specifically treats septage, which will provide another disposal option for septage pumpers and haulers.

The fourth reason for the proposed rulemaking is to establish a fee schedule that will help cover some of the costs of operating the program, which has historically been entirely supported by appropriation funds.

2. **CLASSES OF PERSONS AFFECTED:** Individuals who engage in the pumping, transporting, storing, treating, land applying and/or disposing of septage and consumers who utilize on-site sewage treatment systems or portable toilets.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Individuals who engage in the pumping, transporting, storing, treating, land applying and/or disposing of septage will be responsible for paying license and permit fees. It is expected that fees will be passed on to consumers as part of the pumping cost.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** None submitted as of this date.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma, particularly those individuals in the septage pumping and transporting business and consumers who use the services of septage pumpers and transporters.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** It is anticipated that consumers will ultimately bear the costs associated with pumping, transporting and disposing of septage from their on-site sewage systems and/or portable toilets. While the proposed fees are significant, they are expected to add less than 1% to the cost of pumping a tank. Furthermore, the proposed fees are in line with the average fees of surrounding states.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None anticipated.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** None anticipated.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** Over the last several years, DEQ has drawn from appropriations, to fund the septage pumper and transporter program. The proposed rules establish a fee schedule to yield fees in line with the actual cost of permitting and compliance activities in this program. Complaint investigation and technical assistance will continue to be funded through appropriations. At the present time, annual program costs are estimated to be approximately \$50,000. The following fee increases should generate approximately \$50,000 annually. To prevent the need for future large fee increases, the proposed rules also include an automatic fee escalator that is tied to the Consumer Price Index.
 - a) Annual license fee will be \$150. This proposed fee is intended to cover agency costs for providing training, examinations and administrative activities.
 - b) Truck registration fee will be \$50. The proposed fee is intended to cover agency costs for inspecting each pump truck.
 - c) The permit fee for land application sites and treatment facilities will be \$250. The proposed fee is intended to cover agency costs for plan review and bi-annual site or facility inspection.
 - d) The authorization fee for septage storage facilities will be \$150. The proposed fee is intended to cover agency costs for plan review and annual facility inspection.
 - e) The fee for reviewing requests for variances will be \$200. The proposed fee covers the agency cost for the individual review and research required to assure that approval of the requested variance will not negatively impact the environment.
 - f) The fee for late renewal will be \$50.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** Implementing the proposed rules will require DEQ to provide training to septage pumpers and transporters and to train DEQ staff. Enforcing the proposed rules will not require more revenue than the current rules. The proposed fee schedule is intended to help get the fees commensurate with DEQ's costs to run the septage pumper and transporter program and to provide an automatic method to stay in line with future inflation.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:**None.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Implementing and enforcing the proposed rules will not require more revenue than the current rules, which are supported with appropriated funds.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** See paragraph 9 for further explanation.

14. **COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed rules represent the minimum requirements necessary to protect the environment and the public's health and safety. Also, the proposed fees are the minimum amount needed to offset program costs. For further explanation, see paragraph 9.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** None.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rules are intended to provide additional protection to surface water in sensitive areas and all groundwater sources by assuring adequate handling and treatment of septage.
18. **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 rules should significantly reduce the risk that untreated septage will contaminate waters of the State.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See paragraphs 17 and 18.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There are approximately one hundred seventy-five licensed septage pumpers and transporters that will be impacted by the proposed rules. However, licensed septage pumpers and transporters played an active role in the development of the proposed rules.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: August 28, 2009