

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 611. GENERAL WATER QUALITY**

**RULE IMPACT STATEMENT**

**Subchapter 1. General Provisions**

**252:611-1-3. Adoption and incorporation by reference [AMENDED]**

Before the Water Quality Management Advisory Council, October 13, 2009, and before the Environmental Quality Board, November 19, 2009.

1. **DESCRIPTION:** The Department proposes to update its rules concerning entities required to receive a water quality certification from the Oklahoma Department of Environmental Quality, pursuant to Section 401 of the Clean Water Act, when the entity is required to obtain a federal permit. The change will modify the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2008 to July 1, 2009.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek certain types of discharge permits or authorizations, or who have already obtained a discharge permit or authorization from the Water Quality Division of the DEQ.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** No cost increases will result from this rule change.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has received no information on cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** Classes of persons who benefit are those who seek certain types of discharge permits or authorizations, or who have already obtained a discharge permit or authorization from the Water Quality Division of the DEQ. According to state statute, Title 82 of the Oklahoma Statutes, Section 1085.30, when there is compliance with the requirements of the Oklahoma Water Resources Board and the rules and requirements of the DEQ and other state agencies, a discharge is statutorily presumed to not be pollution.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There are none.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None. The proposed revision will not have any additional economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** None is expected.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION**

**FOR EACH FEE CHANGE:** No fee changes are included in the proposed revision.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:**  
Since this is an update to an existing rule there are no anticipated costs to the DEQ to implement and enforce. The benefit to the DEQ is to maintain compliance with an agreement with EPA to properly enforce the federal program.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None. No other agencies will be implementing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:**  
Federal grants and state appropriations will continue to be used.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revision will have no effect on revenues for DEQ and/or other agencies.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Only those political subdivisions that have discharge permits and/or avail themselves of the programs contained in the federal scheme will be required to implement or enforce the rule. Since this rule change just updates a pre-existing rule, the cooperation of any political subdivision is already in place and will need to continue.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** Not Applicable.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no less costly or nonregulatory methods of achieving the purpose of the proposed revision to the rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed amendments will have an incidental effect on public health, safety, and environment by updating the federal rules incorporated by reference.
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 amendments will have an incidental effect on public health, safety, and environment by updating the federal rules incorporated by reference.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See Item 17.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The update of the incorporation by reference for the federal rules will continue consistency and assist business entities to use and understand the DEQ's permitting and enforcement requirements for discharging facilities.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** August 31, 2009.