

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

RULE IMPACT STATEMENT

Subchapter 1. Introduction

252:606-1-4. Date of federal regulations incorporated [AMENDED]

Before the Water Quality Management Advisory Council, January 19, 2010, and before the Environmental Quality Board, February 26, 2010.

1. **DESCRIPTION:** The Department proposes to update its rules concerning 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. Included for the first time in the incorporation is EPA's "Water Transfer Rule" at 40 CFR, Section 122.3 (i), which went into effect on August 12, 2008. The "Water Transfer Rule" exempts the need of an NPDES permit for the transfer of raw water from one watershed to another watershed.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There will not be any increased costs with the passage of these rule modifications.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has not received any information from other public or private entities concerning the cost impacts as of this date.
5. **CLASSES OF PERSONS BENEFITTED:** Classes of persons who benefit are those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ and those members of the public who use Outstanding Resource Waters for recreational purposes. 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, a discharge is statutorily presumed to not be pollution.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There will not be an additional economic impact as a result of the proposed rulemaking on those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There will not be an additional economic impact as a result of the proposed rulemaking on political subdivisions (example, municipalities) who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There will not be an additional economic impact as a result of the proposed rulemaking on political subdivisions (example, commercial entities that discharge) who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes proposed in the rule modifications.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** Since the incorporation by reference is an update to an existing rule there are no anticipated additional 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 fees will continue to be used.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** There will be no net gain or loss in revenues of the DEQ or other state agencies based on the proposed rule modifications.
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.
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 rule modifications will have a positive effect on the public health, safety and environment through the regulation of municipalities and industries that discharge wastewater to waters of the state. The rules adopted by reference require such discharges to be permitted so that the discharge will not be toxic to aquatic life and meet Oklahoma's Water Quality Standards.
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: See item 17 above.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** No detrimental effect is expected.

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: December 10, 2009.