

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

RULE IMPACT STATEMENT

Subchapter 1. Introduction

252:690-1-3. Technical Acronyms [AMENDED]

252:690-1-4. Incorporation of USEPA regulations by reference [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 the publication date of the federal rules adopted by reference 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. Additionally, the proposed changes would update the list of incorporated hazardous waste management rules found in 40 CFR, Parts 260 - 279, , as the list had become outdated. Finally, the Department proposes to remove the reference to "EPA, Region 6" from the Technical Acronym "MQL."
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 Department.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear the costs are those municipal and industrial facilities that seek wastewater discharge permits or who have obtained discharge permits from the DEQ.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has not received any information concerning the cost impacts from private or public entities.
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. 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 should be no economic impact on the affected classes of persons.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There should be no economic impact on political subdivisions.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** See #6 above.
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:**
There are no anticipated costs to the DEQ to implement and enforce this rule change, other than Department employee time and effort. The benefit to the DEQ is to maintain compliance with federal and state statutory and regulatory requirements.
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, state appropriations 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:** The proposed revision will have no effect on revenues for the 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 most municipalities that need to discharge their wastewater already have a discharge permit, 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:** The above changes that may increase compliance costs are being recommended due to either changes in Oklahoma's Water Quality Standards or are required by EPA. There are no measures the DEQ could undertake to minimize compliance costs.
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:** These rule changes continue to provide for protection of public health and the environment through regulation of municipalities and industries that discharge wastewater to waters of the state by requiring such regulated entities to sample and test for certain parameter to demonstrate 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:** See Item #17 above.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The amendments to the rules ensure compliance with federal and state statutory and regulatory requirements so that the DEQ's program 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.