

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on January 13, 2015
Before the Environmental Quality Board on February 20, 2015

1. **DESCRIPTION:** The Department is proposing to: (1) replace “approved laboratory” with “accredited laboratory”, add a definition for “accredited laboratory”, and add definitions for “direct integrity test”, “indirect integrity monitoring” and “point of connection”; (2) update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2013, to July 1, 2014; (3) remove language referring to “laboratory approval” and replace with language for “laboratory accreditation”; (4) remove the requirement to determine the disinfection residual once daily at the point(s) of connection to the wholesale system for purchase water systems; (5) modify the requirements for monitoring disinfection residual in the distribution system for purchase water systems; (6) clarify the requirements for submitting fluoridation analytical reports to DEQ and ODH; (7) clarify the requirements for membrane filtration systems to be consistent with federal requirements; and (8) other minor clarifications.

The amendments to the federal regulations, which will be incorporated by reference with this proposed rulemaking, were made to 40 C.F.R 141 Appendix A of Subpart Q (79 FR 10669) to list out all of the possible reporting violations under the Revised Total Coliform Rule that will require Tier 3 public notice to be consistent with Table 1 to 40 C.F.R § 141.204, and to § 141.852(a)(5) to address a formatting error, § 141.855 is amended by adding a reserved paragraph (d)(2) and § 141.861, paragraph (b)(1) is amended by removing § 141.858 and adding in its place § 141.859.

2. **CLASSES OF PERSONS AFFECTED:** Those persons who operate or plan to operate a public water supply system will be affected.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Those persons that operate a public water supply will bear the costs.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** DEQ has received recommendations from public and private entities concerning the cost impacts of the proposed regulations and has incorporated such recommendations in the rule text. It is anticipated that the disinfection residual monitoring costs for purchase water systems will be offset by eliminating the current requirement to monitor at the point(s) of connection.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma will be benefitted, particularly those members of the public who consume drinking water from a public water supply.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** DEQ anticipates only a minor economic impact to owners of public water supply systems that are not already implementing the proposed measures because the proposed rule makes testing requirements proportionate to the size of the public water supply systems. The cost for reagents is less than \$1.00 per sample. Costs associated with time and travel will have the most economic impact. Each sample takes approximately 15 minutes to perform.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ anticipates a small economic impact to political subdivisions (e.g., municipalities and rural water associations) that are not already implementing the proposed measures. See paragraph 6. The benefit of the new rule outweighs the costs of compliance as it will reduce the likelihood of bacteria in public water supplies.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ anticipates only a minor economic impact to small businesses (e.g., commercial entities that provide drinking water from their own public water supply system) that are not already implementing the proposed measures because the proposed rule makes testing requirements proportionate to the size of the public water supply systems. See paragraph 6.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no proposed fee changes associated with this rulemaking.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no anticipated additional costs to the DEQ to implement and enforce the proposed rules. Implementing the proposed rule modifications will help DEQ continue to ensure the safety of public water supply systems in Oklahoma.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are neither probable costs nor benefits to other agencies associated with this rulemaking.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** There is no new funding necessary to implement and enforce this rule. Current funding sources include federal grant funds, user fees and general revenue appropriations.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** There are neither projected net losses nor gains in revenue associated with this rulemaking.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** This rule will be implemented and enforced by DEQ alone.

15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** Compliance costs will be minimized for public water supply facilities by eliminating the current requirement to monitor at the point(s) of connection.
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 non-regulatory methods of achieving the purpose of the proposed regulations.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed testing will reduce the likelihood of the presence of bacteria, such as E. coli, in drinking water from public water supplies.
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:** Due to it being necessary for the DEQ to issue certain recent boil advisories, DEQ believes that it must clarify the requirement for maintaining chlorine levels and performing direct integrity testing and indirect integrity monitoring to aid in preventing illnesses caused by bacteria.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed regulations are not promulgated, then consumers of public water could be at an increased risk for contracting bacteria-related illnesses. See paragraph 17.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There is no anticipated quantitative or qualitative impact on business entities as a result of this rulemaking.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: November 5, 2014

Amended December 3, 2014