

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

Before the Water Quality Management Advisory Council 9/26/2017
Before the Environmental Quality Board 11/7/2017

RULE IMPACT STATEMENT

DESCRIPTION: The gist of the proposed rulemaking is to create three new sections 252:4-7-79 through 252:4-7-81 for Aquifer Storage and Recovery (ASR) applications within Part 7 Water Quality Division Tiers and Timelines of Subchapter 7. Section 252-4-7-79: Aquifer Storage and Recovery (ASR) application – Tier I; Section 252:4-7-80: ASR applications – Tier II; and Section 252:4-7-81: ASR applications – Tier III. The proposed rulemaking will make it possible to apply to DEQ for permits required for an ASR project. ASR is one of the tools in the portfolio of options DEQ is pursuing to address water quantity concerns across the state, especially during times of drought. This rulemaking is proposed in conjunction with Chapter 653: Aquifer Storage and Recovery.

CLASSES OF PERSONS AFFECTED: Entities who wish to own or operate an ASR permitted facility.

CLASSES OF PERSONS WHO WILL BEAR COSTS: No costs are associated with this rulemaking.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: No information is available for cost impacts for this proposed rulemaking.

CLASSES OF PERSONS BENEFITTED: Entities who wish to own or operate an ASR permitted facility.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no economic impact on affected classes of persons with the proposed rulemaking.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: There is no economic impact on political subdivisions with the proposed rulemaking.

POTENTIAL ADVERSE EFFECTS ON SMALL BUSINESSES: No adverse effect on small businesses is anticipated with this proposed rulemaking.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: None.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: DEQ will incur the cost of processing permit applications.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: No new costs or benefits to other agencies is anticipated with the proposed rulemaking.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: DEQ's costs to implement the Chapter being proposed will be covered through EPA grant funds, fees, and appropriations.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES IF IT CAN BE PROJECTED: No net loss or gain in revenues are anticipated with this proposed rulemaking.

COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE: No cooperation of political subdivision is required for this proposed rulemaking.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: No new compliance measures are to be instituted at this time with the proposed rulemaking.

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 rule.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed rule has no effect on public health, safety and the environment as it is administrative in nature.

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: Not applicable.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED: No detrimental effect on the public health, safety and the environment will occur with the proposed rule.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE: The only business entities affected by the proposed rulemaking are ones that intend to own and operate ASR facilities.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: July 17, 2017