

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

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on October 10, 2017
Before the Environmental Quality Board on November 19, 2017

1. **DESCRIPTION:** The Department is proposing to: (1) amend the definition for “Public Water Supply (PWS) System” to exclude certain purchase water systems that meet explicit requirements; (2) update the rule concerning the date of the incorporation by reference of certain federal regulations from July 1, 2015, to January 1, 2017 which allows for inclusion of all pertinent CFR parts amended between July 1, 2015 and January 1, 2017, specifically allowing for newly approved alternative testing methods for contaminants listed at 40 CFR 141.21(f)(3) found in Appendix A to Subpart C of Part 141; (3) clarify the reporting requirements of 40 CFR 141; and (4) modify language to include a process control test to stabilize calcium carbonate for certain groundwater systems with advanced treatment.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who operate or plan to operate a public water supply system and accredited laboratories that perform drinking water analyses. This rule will also affect certain qualifying purchase systems, namely: manufactured home communities, mobile home parks, recreational vehicle (RV) parks, and correctional facilities, which will no longer be subject to PWS rules. This will also affect customers of those systems, both in-state residents and out-of-state visitors, as well as incarcerated persons.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There is no anticipated increase in costs as a result of these rule changes. Costs are expected to decrease for owners of purchase water supply systems because those systems who qualify for the exemption under the revised definition will be exempt from compliance with monitoring and reporting.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** DEQ has not received any information from other public or private entities concerning the cost impacts of the proposed regulations.
5. **CLASSES OF PERSONS BENEFITTED:** Those who operate or plan to operate a public water supply system and accredited laboratories that perform drinking water analyses will have more testing methods available to them. Owners of certain qualifying purchase systems will be less subject to state regulation.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** Owners of the qualifying purchases systems will no longer be subject to sampling and monitoring requirements or the costs associated with meeting those requirements.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** It is unlikely that the proposed rulemaking will have an economic impact on political subdivisions (e.g., municipalities and rural water associations).
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ has not identified any foreseeable adverse effect on small businesses (e.g., commercial entities that provide drinking water from their own public water supply system and accredited laboratories).
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. DEQ will no longer bear the costs of inspecting and enforcing upon those certain qualifying purchase systems that will now be exempt from PWS rules.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are no probable costs to other agencies associated with this rulemaking, though the Department of Corrections will benefit insofar as certain correctional facilities will no longer be subject to sampling and monitoring requirements or the costs associated with meeting those requirements.
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:** DEQ will lose an estimated \$243,000 annually based on loss of income from PWS annual fees, laboratory analyses, and from the Public Water System Supervision grant. However, DEQ workload should be reduced proportionately.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** DEQ does not anticipate the need for additional cooperation with political subdivisions associated with this rulemaking.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No measures were identified to minimize compliance costs associated with this rulemaking as minimal costs are anticipated.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** DEQ has determined 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:** There is no specific anticipated effect on public health and safety at this time.
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:** This rulemaking is not designed to reduce significant risks to the public health, safety and environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** There has been no determination of any detrimental effect on the public health, safety and environment.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** Owners of the qualifying purchases systems will no longer be subject to sampling and monitoring requirements or the costs associated with meeting those requirements.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: August 16, 2017
AMENDED ON: October 6, 2017