1. **DESCRIPTION:** This proposed rulemaking implements Senate Bill 1695, which passed during the 2009/2010 legislative session. Senate Bill 1695 effectively eliminated one of the scenarios for ownership of non-industrial discharging and public water supply lagoons (i.e., homeowners associations). Additionally, the Department proposes to modify its rules so that a wastewater land application site can have no more than 5% slope. The current requirements allow up to a 10% slope in certain situations. Finally, the Department proposes to modify: definitions of terms, Chapter 621 to reflect changes that occurred when Chapter 619 was adopted; to change citations in Subchapter 9, from citations to Chapter 648, to citations to Chapter 606. While DEQ is amending the title of the fees section in this Chapter of the rule, it is not proposing to change the existing fee schedule.

2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek or have obtained non-industrial discharging and public water supply lagoon and non-industrial land application permits from the Water Quality Division of DEQ. Senate Bill 1695 affects developers and existing homeowners’ associations of residential developments that are using or proposing to use shared sewage treatment systems with non-industrial discharging lagoons.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no new costs associated with the changes to this rule.

4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has received no information on cost impacts from private or public entities.

5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma will be benefitted, including those who seek or have obtained permits for non-industrial discharging and public water supply lagoons and non-industrial land application from the Water Quality Division of the DEQ because this rule incorporates new state law and clarifies the regulations for these systems. 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:** None is anticipated.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None is anticipated.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** None is anticipated.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** N/A

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** None.

11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None.

12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants and state appropriations will continue to be used along with the existing permitting fees.

13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES IF IT CAN BE PROJECTED:** None.

14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None.

15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** N/A
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 proposed amendments will protect public health, safety, and environment by updating the regulations to conform to state law, clarifying terms used in this section, reducing the risk of runoff from land application sites and updating this Chapter to reflect changes made in other DEQ regulations.

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.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See Item 17.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** None is anticipated.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** September 15, 2010.