

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on October 11, 2011
Before the Environmental Quality Board on November 15, 2011

1. **DESCRIPTION:** The Department proposes to update the date of the incorporation by reference of certain federal regulations from July 1, 2010, to July 1, 2011.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek or have obtained discharge permits from the Water Quality Division of the DEQ.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Since this rule change only incorporates by reference certain federal regulations, no additional costs will occur. Therefore, there will not be classes of persons who will bear the costs.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has not received any information from other public or private entities concerning the cost impacts of incorporation by reference.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma are benefitted, particularly those members of the public who use Outstanding Resource Waters for recreational purposes. According to 82 O.S. § 1085.30, when the rules of the Oklahoma Water Resources Board, DEQ and other state agencies are being met, a discharge is statutorily presumed to not be pollution.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There will not be an economic impact on those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ, see paragraphs 3 and 4.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There will not be an economic impact on political subdivisions (e.g., municipalities) that seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ, see paragraphs 3 and 4.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There will not be an economic impact on small businesses (e.g., commercial entities that discharge wastewater) that seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ, see paragraphs 3 and 4.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** Since the incorporation by reference is an update to an existing rule there are no anticipated additional costs to the DEQ to implement and enforce that portion of the proposed rules.

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 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:** Since this rule change is only for incorporation by reference, there is no net loss or gain in revenues projected.

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 this rule change just updates a pre-existing rule, 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:** There are no additional compliance costs associated with this rule, see Paragraphs 3 and 4.

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 incorporation by reference of federal rules will allow the DEQ to continue to review permit applications and perform compliance activities to ensure that the OPDES program will meet state and federal requirements, so that Oklahoma's Water Quality Standards are protected.

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 paragraphs 15 and 17 above.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See paragraphs 15 and 17 above.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS**

ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): The update of the incorporation by reference for the federal rules will continue consistency with those rules. The DEQ will continue to assist business entities to use and understand the DEQ's permitting and enforcement requirements for discharging facilities.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 6, 2011.