

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

**RULE IMPACT STATEMENT**

Before the Water Quality Management Advisory Council on October 8, 2013  
Before the Environmental Quality Board on November 13, 2013

1. **DESCRIPTION:** The proposed regulations will: (1) update the definition of " $Q_{e(D)}$ " to be the lesser of the design flow for a municipal POTW or the design flow listed in the Section 208 Areawide Basin Plan; (2) update the publication date of the federal rules incorporated by reference from July 1, 2012, to July 1, 2013; (3) clarify potential temperature requirements for municipalities treating industrial wastewater having a thermal component; (4) update the rules on regulatory flow to be consistent with the Water Quality Standards (WQS); (5) update text to be consistent with new definition of  $Q_{e(D)}$ ; (6) remove fecal coliform as the bacteriological indicator organism for discharge permits to be consistent with a change to WQS; (7) clarify that the exception in 252:690-3-86(e) does not apply if it is determined that the discharge is not in compliance with WQS; (8) add color implementation to comply with changes to WQS; (9) update Appendix B to be consistent with WQS; and (10) update Appendix J to include all formulas referenced in the text.

The amendments to the federal regulations, which will be incorporated by reference with this proposed rulemaking, were made to the Table in 40 CFR 268.44(o), which lists facilities excluded from the treatment standards under Section 268.40, Applicability of [hazardous waste] treatment standards.

2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are municipalities and industries that discharge wastewater under the OPDES program.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Classes of persons who will bear the costs are municipalities and industries that receive effluent limitations or monitoring requirements in their discharge permits. The majority of proposed amendments are merely clarifications of existing rules and/or policies that will not require any change in current operations and should not result in any increased costs to the regulated community or DEQ. Additionally, the change in the bacteriological indicator should not result in any additional cost to the regulated community or DEQ since the laboratory costs are similar.
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:** All citizens of Oklahoma will benefit. See paragraph 3.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** DEQ

anticipates a minor, if any, economic impact as a result of the proposed regulations. Many of the changes merely clarify requirements already being implemented by facilities. See paragraph 3.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None anticipated. See paragraph 3.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ does not anticipate an adverse economic impact on small businesses as the result of this rule. See paragraph 3.
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:** DEQ anticipates incurring minimal costs to implement the proposed regulations.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None anticipated.
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:** None anticipated.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None anticipated.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** Most of the rule changes are clarifications of permitting procedures already in place and therefore the DEQ does not believe there will be a significant increase in compliance costs.
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:** Most of the rule changes are clarifications of permitting procedures already in place so there should be no effect to the public or the environment. The other bacterial indicators already in place are more reliable than fecal coliform, which is why the option for using fecal coliform is being removed.

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 paragraph 17.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** The continued use of fecal coliform as a bacterial indicator species is not as reliable as the other indicators. Furthermore, if the color implementation rule is not promulgated, DEQ will not be able to require the removal of color from discharges, which could affect the aesthetics of Oklahoma's water bodies and violate Water Quality Standards promulgated by the Oklahoma Water Resources Board.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** None anticipated.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** September 12, 2013