

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS**

RULE IMPACT STATEMENT

Subchapter 1. Introduction

252:616-1-1. Purpose [AMENDED]

252:616-1-2. Definitions [AMENDED]

Subchapter 3. Permit Procedures

252:616-3-4. Applications [AMENDED]

Subchapter 9. Tank System Standards

252:616-9-3. Tank system requirements [AMENDED]

Subchapter 13. Closure Standards

252:616-13-1. Termination of activities [AMENDED]

Appendix A. Application for Permit to Discharge and/or Treat Industrial Wastewater of Sludge General Information [REVOKED]

Appendix B. Application for Permit to Discharge and/or Treat Industrial Wastewater or Sludge Surface Impoundments and Septic Tanks [REVOKED]

Appendix C. Application for Permit to Land Apply Industrial Wastewater and/or Sludge [REVOKED]

Appendix C. Table of Rainfall and Evaporation Data [NEW]

Appendix D. Class III Surface Impoundment Design [REVOKED]

Appendix D. Class III Surface Impoundment Design [NEW]

Before the Water Quality Management Advisory Council, January 13, 2009, and before the Environmental Quality Board, February 27, 2009.

1. **DESCRIPTION:** The Department proposes to modify its rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter. Additionally, the rules propose to tighten the closure requirements for industrial wastewater systems, propose to revoke the Appendices A, B and C that contain the permit forms and Appendix D. Appendices A and B will not be replaced, while Appendix C is replaced with a rainfall and evaporation data chart previously located in another section and Appendix D is replaced concerning Class III Surface Impoundments to make clean up changes.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek industrial non-discharging permits or have obtained industrial non-discharging permits from the Water Quality Division of the DEQ.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Classes of persons who may bear the costs of the proposed rule modifications are those who seek industrial non-discharging permits or have obtained industrial non-discharging permits from the Water Quality Division of the DEQ.
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 the proposed rule modifications.

5. **CLASSES OF PERSONS BENEFITTED:** Classes of persons who benefit are those who seek industrial non-discharge permits or have obtained industrial non-discharge permits from the Water Quality Division of the DEQ. Appendix D of Chapter 616 allows certain Class III impoundments to be designed and constructed without the need of an engineer, thereby reducing the cost to the regulated community.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There may be an economic impact on those who seek industrial wastewater non-discharge permits from the Water Quality Division of the DEQ, and use as a wastewater system, above-ground storage tanks. If the proposed rule modifications are approved, such tank systems will require secondary containment around the tank system to collect spillage and stormwater.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There will not be an economic impact on political subdivisions (example, municipalities) as the proposed rule modifications are not applicable to political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There may be an adverse impact on those small businesses who seek industrial wastewater non-discharge permit or those small businesses who have received an industrial wastewater non-discharging permit from the Water Quality Division of the DEQ, and use as a wastewater system that includes above-ground storage tanks. If the proposed rule modifications are approved, such tank systems will require secondary containment around the tank system to collect spillage and stormwater.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes proposed in the rule modifications.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no costs to the DEQ to implement and enforce the proposed rule modifications, other than DEQ employee time and effort.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None. No other agencies will be implementing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** 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:** There will be no net gain or loss in revenues of the DEQ or other state agencies based on the proposed rule modifications.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Not applicable, see # 7 above.

15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** Not Applicable.
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 rule modifications will have a positive effect on the public health, safety and environment by eliminating stormwater and spillage discharges from industrial wastewater treatment systems that utilize above-ground storage tanks.
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 above.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See items 17 & 18.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** See #8 above.
This rule will only impact those business entities that utilize above-ground storage tanks as a part of their industrial non-discharging wastewater treatment systems.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: November 21, 2008.