

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

RULE IMPACT STATEMENT

Subchapter 9. Administrative Proceedings

252:4-9-32. Individual proceedings filed by others [AMENDED]

Before the Environmental Quality Board, February 27, 2009

1. **DESCRIPTION**: The DEQ is proposing an amendment to OAC 252:4-9-32(e) to provide a timeframe in which affected persons are to file petitions for declaratory rulings.
2. **CLASSES OF PERSONS AFFECTED**: The classes of persons affected are those who have been negatively impacted by a DEQ order and wish to file a petition for declaratory ruling.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS**: There should be no new costs associated with this amendment because the proposed change does not involve any new regulatory requirements.
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**: Both those who wish to file a petition for declaratory ruling and the DEQ will benefit by having an established time frame within which to file a petition for declaratory ruling.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS**: There should be no economic impact on affected classes of persons as this proposed amendment adds no new regulatory requirements.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS**: The DEQ anticipates no economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESSES**: There should be no adverse effect on small businesses as the proposed amendment adds no new regulatory requirements. However, the proposed amendment establishes a time period for filing a petition for declaratory ruling on a DEQ order.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFIATION FOR EACH FEE CHANGES**: No fee changes are included in this proposed amendment.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE**: The DEQ anticipates no increased costs to implement the proposed amendment. The benefit of the proposed amendment to the DEQ is that petitions for declaratory rulings on DEQ orders will be filed within an established time frame rather than an open-ended one.

11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE**: None. No other agencies will be implementing or enforcing this proposed rule.

12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE**: Current fees, state appropriations and federal grants will be used to implement the proposed amendment.

13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED**: There should be no net loss or gain in revenues for DEQ and/or other agencies due to this proposed amendment.

14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE**: None is required. DEQ will be responsible for all aspects of implementation of the proposed amendment.

15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS**: No additional measures were necessary because there will be no increased compliance costs.

16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE**: The determination was not necessary because the proposed amendment is only to establish a timeframe for filing a petition for declaratory ruling.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT**: None

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**: None.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED**: None.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE)**: No quantitative or qualitative impact on business entities is anticipated. However, the proposed amendment will establish a time frame within which to file a petition for declaratory ruling and therefore provide more certainty to business entities concerning the DEQ's declaratory ruling process.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 18, 2008