

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION
STANDARDS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on January 10, 2012
Before the Environmental Quality Board on February 24, 2012

1. **DESCRIPTION:** There are four primary purposes for this rulemaking: (1) to incorporate design, construction and permitting requirements for four categories of water reuse systems, (2) to establish permit application fees for water reuse treatment systems and reclaimed water distribution systems in accordance with the existing fee structure in OAC 252:656-3-9, (3) to remove a duplicate financial responsibility section, and (4) to clarify language in existing sections. The requirements for the land application of wastewater from lagoon systems are being moved from Chapters 619 and 621 to this Chapter as Categories 4 and 5 reclaimed water.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are municipalities and other persons or entities that construct or modify water reuse treatment and distribution systems.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Classes of persons who will bear the costs are municipalities and other persons or entities seeking construction permits for water reuse treatment and distribution systems. It is anticipated that those costs will be passed on to the end user of the reclaimed water.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** DEQ has received no information on cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma are benefitted, including regulated entities which seek permits to construct water reuse treatment and distribution systems from the Water Quality Division. The proposed new rules allow the beneficial reuse of wastewater. DEQ anticipates that reclaimed water will be less expensive than using potable water for things like irrigation, dust suppression and fire protection. Reusing wastewater will reduce the demand for potable water and conserve the state's natural water resources.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** DEQ anticipates that the costs of construction permits for these systems will be offset by the reduced cost of using reclaimed water and/or the revenue generated by its sale and by the preservation of potable water supplies.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ anticipates that the costs of construction permits for these systems will be offset by the cost

savings realized by using reclaimed water, the revenue generated by the sale of reclaimed water and by the conservation of potable drinking water supplies.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ does not anticipate an adverse economic impact on small businesses as the result of this rule. In fact, some small businesses that were previously purchasing potable water for certain uses may be able to use less expensive reclaimed water for those uses.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The fee schedule is not being changed. DEQ is proposing that water reuse treatment and distribution systems pay the same construction permit fees charged to other non-industrial wastewater systems. The chart below contains a list of the fees currently being charged to those facilities.

NEW FACILITIES AND MAJOR MODIFICATIONS

Facility size	Fee
1.00 MGD and greater	\$5,440
0.50 MGD – 0.99 MGD	\$4,080
0.10 MGD – 0.49 MDG	\$2,720
0.01 MGD	\$1,360
Less than 0.01 MGD	\$680

MINOR MODIFICATIONS

Facility size	Fee
1.00 MGD and greater	\$1,360
0.50 MGD – 0.99 MGD	\$1,090
0.10 MGD – 0.49 MDG	\$814
0.01 MGD	\$540
Less than 0.01 MGD	\$270

DISTRIBUTION SYSTEM IMPROVEMENT FEES

Line Extensions	Fee	
	<i>Initial 1-500'</i>	<i>Each Additional 100'</i>
	\$150.00	\$28.50
Lift Stations	<i>Per 100 GPM</i>	
	\$140.00	

The existing cap on permit application fees is \$5,825.00 for any one application.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** DEQ will incur the costs of implementing this new program: permit review, technical assistance, record keeping, and enforcement. DEQ will indirectly benefit from the reduced

demand for potable water and the increased availability of water for non-potable uses during droughts and emergency situations.

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:**
The proposed fees will be the only revenue used to implement and enforce the water reuse rules.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The proposed revisions will have no anticipated net effect on revenues for DEQ or other agencies.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The current fees are based on the costs of processing permit applications for treatment and collection systems. DEQ anticipates that the costs to review permit applications for water reuse treatment and distribution systems will be the same.
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 clarifying the regulations for construction of non-industrial wastewater collection systems and treatment works and establishing construction standards for water reuse treatment and distribution systems to allow for the safe, beneficial reuse of wastewater.
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:** The proposed rule establishes construction standards for water reuse treatment and distribution systems to allow for the safe, beneficial reuse of wastewater. Water reuse should also reduce the demand for potable water which is crucial during periods of drought and emergencies.
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):** None anticipated.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: November 30, 2011