

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on January 12, 2016
Before the Environmental Quality Board on February 19, 2016

1. **DESCRIPTION:** The Department is proposing to: (1) replace “Laboratory Certification” with “Laboratory Accreditation,” rules; (2) clarify the definitions for “Maximum contaminant level,” “Maximum residual disinfectant level,” “Primary Drinking Water Standards,” “Public Water Supply system,” “Community water system,” “Non-community water system,” “Non-transient non-community system,” and “Minor water system”; (3) update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2014, to July 1, 2015; (4) add language incorporating Subparts S and Y of the Microbiological standards in accordance with 40 CFR Section 141.63; (5) replace “Turbidity” with “Filtration, disinfection, and enhanced treatment” standards in accordance with 40 CFR Sections 141.73 and 141.173; (6) add “Lead, copper, and corrosivity standards” in accordance with 40 CFR Part 141, Subpart I; (7) replace “Coliform” with “Microbiological” requirements in accordance with 40 CFR Section 141, Subparts S and Y; (8) add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.174, Subparts T and W; add Subparts U and V in accordance with 40 CFR, Part 141; (9) clarify the requirements for laboratory accreditation, emergency notification requirements, and validation of data to be consistent with federal requirements and (10) other minor clarifications.
The proposed changes will have minimal effect on the regulated community as they are largely clarifications. The referenced rules have already been adopted in previous rulemakings, and the additional listing of headings and subparts in this rulemaking is simply intended to make those rules easier to identify and locate.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who operate or plan to operate a public water supply system and accredited laboratories that perform drinking water analyses.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Classes of persons who will bear the costs are those that operate a public water supply and accredited laboratories. It is anticipated that any increase in costs will be passed along to the consumer.
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 be benefitted, particularly those members of the public who consume drinking water from a public water supply.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** It is unlikely that the proposed rulemaking will have an economic impact on owners of public water supply systems and accredited laboratories that perform drinking water analyses.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** It is unlikely that the proposed rulemaking will have an economic impact on political subdivisions (e.g., municipalities and rural water associations).
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ has not identified any foreseeable adverse effect on small businesses (e.g., commercial entities that provide drinking water from their own public water supply system and accredited laboratories).
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no proposed fee changes associated with this rulemaking.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no anticipated additional costs to the DEQ to implement and enforce the proposed rules. Implementing the proposed rule modifications will help DEQ continue to ensure the safety of the public drinking water supply in Oklahoma consistent with the federal program.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are neither probable costs nor benefits to other agencies associated with this rulemaking.
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:** There are neither projected net losses nor gains in revenue associated with this rulemaking.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** DEQ anticipates some additional cooperation with political subdivisions that are not already implementing the provisions of this rulemaking.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No measures were identified to minimize compliance costs associated with this rulemaking as any costs are already unlikely.

16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** DEQ has determined 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:** The proposed changes will reduce the likelihood of the presence of bacteria in drinking water from public water supplies.
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:** Immediate notification to DEQ of *E. coli* positive sample results, and all follow up samples for *E. coli* positive sample results will aid in preventing illnesses caused by bacteria. Due to under reporting of illnesses, it is not possible to quantify the reduction of the risk.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed regulations are not promulgated, then consumers of water from public water systems will continue to be more at risk for contracting bacteria-related illnesses.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** DEQ has not identified any substantive quantitative or qualitative impact on business entities as a result of this rulemaking.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 15, 2015