

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on October 7, 2014
Before the Environmental Quality Board on November 13, 2014

1. **DESCRIPTION:** The proposed regulations will: (1) reference the applicable laboratory accreditation rules; (2) include a citation to the Oklahoma Water Quality Standards; (3) add or modify definitions for “accredited laboratory,” “compliance testing,” “DMR,” and “control tests;” (4) delete the definitions of “approved laboratory” and “laboratory checks;” (5) replace all language using “approved laboratory” with “accredited laboratory,” which is consistent with simultaneous changes being made in OAC 252:301 (revoke) and OAC 252:307 (new); (6) update the CFR publication date to the most recent CFR publication year; (7) clarify the language regarding the OPDES permit applications, including adding section titles; (8) add section 606-3-7 that authorizes the continuation and/or enforcement of expired state permits; (9) allow a university familiar with Oklahoma crops and soils to perform certain soil analyses; (10) clarify that analytical results for compliance tests are to be from an accredited laboratory; (11) clarify that DMRs are to include all valid compliance test results; (12) and other minor language clarifications.
2. **CLASSES OF PERSONS AFFECTED:** The classes of persons affected are accredited laboratories, unaccredited laboratories, qualified universities, and municipalities and industries that discharge wastewater under the OPDES program.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Updating the date of incorporation by reference for federal regulations is not expected to increase any existing operating costs.

The language changes from “approved laboratory” to “accredited laboratory” in Chapter 606 are in accordance with simultaneous changes occurring in OAC 252:301 and OAC 252:307, which have been approved by the WQMAC in July 2014. There are no anticipated increased costs associated with these changes occurring in Chapter 606.

The addition of 252:606-3-7 has no associated increased costs for the DEQ or the regulated community because it merely clarifies existing requirements.

University laboratories familiar with Oklahoma crops and soils are currently performing and being paid for certain soil analyses at the request of the regulated community. The proposed regulation more clearly defines the exception that authorizes the regulated community to have certain soil tests be performed by qualified university laboratories rather than state accredited laboratories. Because this practice is currently in place, DEQ anticipates that there will be no increase in costs to qualified universities and that accredited laboratories will not see a decline in business.

In practice the regulated community includes compliance test results in their DMRs as “compliance test” is defined in the proposed rule. Because the proposed rule defines “compliance tests” and “control tests,” the portion of the rule relating to DMRs must also reflect this change. There are no anticipated increased costs associated with defining “compliance test” and “control test,” or with including compliance tests in DMRs.

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:** The proposed rule change will provide consistency and clarity to the rule which will benefit DEQ, consumers, laboratories, operators of facilities that discharge to waters of the state, and qualified university laboratories.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** DEQ does not anticipate an economic impact on affected classes of persons.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ does not anticipate the proposed rules changes to have any economic impact on political subdivisions.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ does not anticipate the proposed rule to have any effect on small businesses.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The proposed rule does not include any changes to the current fee structure.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The proposed rule is not anticipated to create any additional economic burden to DEQ. However, consistency with the language found in related DEQ regulations will benefit both the agency and the regulated community.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None anticipated; the proposed rule does not alter the existing requirements or duties for other agencies.
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; the proposed rule does not alter the workload for DEQ or other agencies.

14. **COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE:** This rule will be implemented and enforced by DEQ alone.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** DEQ anticipates there to be no increase in compliance costs. In developing the proposed rule, DEQ considered what effect the rule changes would have on the regulated community's understanding of the rules and if the proposed rule imposed any new requirements. The DEQ determined that no new requirements were being imposed or created and that the proposed rule both clarifies and facilitates the regulated community's compliance with DEQ regulations.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The purpose of the proposed rule does not include new regulations. The proposed rule modifies the existing regulations for clarification and ease-of-use purposes. The addition of section 252:606-3-7 will have no effect on the agency workload or on the compliance costs for the regulated community. This is because the administrative process in this section is already in practice by both the regulated community and the agency.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** Promulgating these rules will facilitate the regulated community abilities to better comply with Oklahoma regulations designed to protect public health, safety and the environment.
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 rules are not designed to reduce significant risks to the public health, safety or environment.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Failure to pass the proposed rule will likely create confusion within DEQ regulations and will be an obstacle in the regulated community's ability to comply with DEQ regulations designed to protect public health, safety and the environment.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** DEQ does not anticipate any quantitative or qualitative impact on business entities as a result of this rulemaking.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: October 1, 2014