**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS**

Before the Water Quality Management Advisory Council on September 29, 2020

Before the Environmental Quality Board on November 10, 2020

**RULE IMPACT STATEMENT**

Subchapter 1. General Provisions

252:641-1-2 [AMENDED]

Subchapter 3. Soil Test

252:641-3-2 [AMENDED]

252:641-3-4 [AMENDED]

Subchapter 12. Dispersal Fields

252:641-12-1 [AMENDED]

252:641-12-2 [AMENDED]

252:641-12-3 [AMENDED]

252:641-12-4 [AMENDED]

252:641-12-5 [AMENDED]

252:641-12-6 [AMENDED]

252:641-12-7 [AMENDED]

Subchapter 15. Lagoons

252:641-15-2 [AMENDED]

Appendix H. Size Charts for On-site Sewage Treatment Systems [REVOKED]

Appendix H. Size Charts for On-site Sewage Treatment Systems [NEW]

Appendix N. Examples of Chambers being Used for Storage and Dispersal [REVOKED]

**DESCRIPTION:** The gist of the rule that the Department is proposing is to: (1) add or amend definitions relating to chambers, manufactured media systems, and Zone 1; (2) establish sizing reduction guidelines for Conventional Subsurface Absorption systems (including manufactured media systems); (3) amend aerobic system surface application area totals and establish sizing criteria for small public aerobic systems; and (4) address numbering issues for Appendices referenced in rule text.

**CLASSES OF PERSONS AFFECTED:** The Classes of persons affected are those property owners that will be utilizing an onsite sewage treatment system and those persons engaged in the installation of onsite sewage treatment systems, and those businesses serving as a distributor of manufactured media systems.

**CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no anticipated increase to costs associated with the proposed rule changes.

**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.

**CLASSES OF PERSONS BENEFITTED:** Current and new property owners will benefit from an increase in the available system options contained in this Chapter with the reduction of the distance associated with Zone 1 Waterbody Protection Area and the reduction in spray application areas for most of Oklahoma.

**PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The probable economic impact on the affected classes of persons is that the required capital for the construction of on-site sewage treatment system will be reduced based on the amount of property required to meet the proposed sizing requirements when utilizing an aerobic system with spray. The economic impact will vary based on location, but in many cases, it will result in less property that will be required for the installation of the on-site sewage treatment system.

**PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There was no probable economic impact on political subdivision identified.

**POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There were not any adverse effects noted relating to small business with these proposed rule changes.

**LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee increases associated with these proposed rules.

**PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There is no additional cost anticipated with these proposed changes. The benefit to these changes will be the further expansion of allowable systems for large portions of Oklahoma.

**PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There were no probable cost and benefits to other agencies to implement and enforce with the proposed rule changes.

**SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Revenue available for the implementation and enforcement of these proposed rules will come from fees generated from the associated program and from general revenue.

**PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** There is no projected net loss or gain in revenues for DEQ and/or other agencies associated with these proposed changes.

**COOPERATION OF POLITICAL SUBDIVISION REQUIRED IMPLEMENTING OR ENFORCING RULE:** There is no cooperation of political subdivisions required for the implementation or enforcement of these proposed rule changes.

**EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** There is no anticipated change in the cost for compliance with the proposed rule changes. Stakeholder outreach will be conducted to assist in the implementation of the approved changes prior to implementation.

**DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There were no other methods identified for implementing the proposed changes.

**DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rule changes are intended to provide appropriate system installation and reduce the incident of inadequate non-compliant system installation (bootlegged systems).These changes will result in a reduction in the overall impact to the environment due to surfacing sewage.

**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 should significantly reduce the risk that: (a) untreated sewage will surface and cause a public health problem; and (b) untreated sewage will contaminate waters of the State

**DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Not adopting these changes has the potential to cause an increase in the amount of untreated sewage that may cause a public health problem and impact to ground water and surface water.

**PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There are no identifiable impacts on business entities associated with these proposed rules.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** August 18, 2020 and modified on October 27, 2020.