

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 210. HIGHWAY SPILL REMEDIATION**

Before the Hazardous Waste Management Advisory Council 10/10/19  
Before the Environmental Quality Board 2/21/20

**RULE IMPACT STATEMENT**

**DESCRIPTION:** The proposed rulemaking consists of four main elements. First is to add, clarify, and simplify definitions associated with this Chapter. Second is to clarify and simplify existing rule language associated with this Chapter. Third is to amend the Chapter to include language regarding the use of sub-contractors, training requirements for new licensees, and requirements for spill reporting. Fourth is to make other minor corrections to the Chapter.

**CLASSES OF PERSONS AFFECTED:** All businesses that provide services to contain, remove, and/or remediate spills of hazardous material on highways in Oklahoma, and all persons employed by such businesses to perform these activities.

**CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no costs associated with the proposed rulemaking.

**INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** As of the date of this Rule Impact Statement, no information has been received regarding cost impacts related to the proposed rulemaking.

**CLASSES OF PERSONS BENEFITTED:** Owners of businesses whose vehicles have been involved in a collision resulting in a spill of hazardous material into the environment, as well as citizens of the State of Oklahoma, will benefit from the proposed rule changes to this Chapter.

**PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There is no economic impact on affected classes of persons anticipated as a result of the proposed rulemaking.

**PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There is no economic impact on political subdivisions anticipated as a result of the proposed rulemaking.

**POTENTIAL ADVERSE EFFECTS ON SMALL BUSINESSES:** There are no potential adverse effects on small businesses as a result of the proposed rulemaking, except for licensees who must comply with the new provisions.

**LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes as a result of the proposed rulemaking.

**PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There is no additional cost anticipated with the proposed rulemaking. Benefits of the proposed rulemaking include the clarification of the rules, making them easier to read and understand.

**PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There is no cost to other agencies anticipated with the proposed rulemaking. Benefits of the proposed rulemaking include the clarification of the rules, making them easier to read and understand.

**SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The proposed rule changes will not require additional revenue than the current rules, which are supported by fees and appropriated funds.

**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 anticipated as a result of the proposed rulemaking.

**COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE:** No cooperation in implementing or enforcing the proposed rulemaking will be required from any political subdivision.

**EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No compliance costs are anticipated with the proposed rulemaking.

**DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** No compliance costs are anticipated with the proposed rulemaking nor are any nonregulatory or less intrusive methods of achieving the purpose of the proposed rulemaking available.

**DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rulemaking should have a positive effect on public health, safety, and environment by ensuring licensees supervise sub-contractors, are provided training on the rules by DEQ, and report all spills. The proposed rules are also easier to read and understand, thereby facilitating compliance.

**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 rulemaking will reduce risks posed to human health and the environment by ensuring licensees supervise any sub-contractors utilized in the clean-up of hazardous materials, receive training from DEQ, and report all spills.

**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 changes will result in unsupervised sub-contractors cleaning up or disposing of hazardous materials, incomplete licensee training, and spills unreported to DEQ, which could result in harm to public health, safety, and environment.

**PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE:** There is no

quantitative and qualitative impact on business entities anticipated as a result of the proposed rulemaking.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** September 17, 2019.