**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

**RULE IMPACT STATEMENT**

Before the Water Quality Management Advisory Council on January 9, 2024

Before the Environmental Quality Board on February 13, 2024

1. **DESCRIPTION:** The gist of the rule that the Department is proposing is to: (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, (8) address formatting issues for Appendices.

2. **CLASSES OF PERSONS AFFECTED:** The Classes of persons affected are those property owners utilizing an on-site sewage treatment system, persons engaged in the design and installation of on-site sewage treatment systems, and those businesses serving as a distributor of precast concrete septic tanks.

3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear any additional costs associated with the proposed changes will be those individuals having on-site sewage treatment systems designed and/or installed.

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:** Classes of persons benefitting from the proposed rule changes are those citizens utilizing on-site sewage treatment systems for their wastewater treatment needs and public or private entities requesting the design and installation of small public aerobic treatment systems that exceed the current requirements.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The probable economic impact on the affected classes of persons is the potential cost for the installation of a new or repair to an existing on-site sewage treatment system may increase based on the additional cost incurred by the certified soil profiler or certified installer for their bonding requirement.

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

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

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

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no probable costs to DEQ to implement and enforce the proposed changes. There are benefits to DEQ related to the implementation and enforcement of the proposed changes. Those benefits will come by way of a more streamlined enforcement process and potential financial assistance if and when a bond is called.

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

12. **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.

13. **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.

14. **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.

15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** There is a minimal anticipated increase in the cost estimated to be $650 for compliance with the proposed rule changes. Stakeholder outreach will be conducted to assist in the implementation of the approved changes prior to implementation.

16. **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.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rule changes will significantly increase the overall safety of septic tanks in residential settings by way of the proposed safety catch systems. The several of the proposed changes will aid DEQ in mitigating the environmental effects of malfunctioning on-site sewage treatment systems while also protecting public health.

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 should significantly reduce the risk that: (a) unauthorized and potentially deadly falls into septic tanks will occur; (b) untreated sewage will surface and cause a public health problem; and (c) untreated sewage will contaminate waters of the State.

19. **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, impact to ground water and surface water, and overall safety around new on-site sewage treatment systems.

20. **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:** October 10, 2023; amended December 15, 2023