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

**CHAPTER 645. SEPTAGE PUMPERS AND TRANSPORTERS**

**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 definition of sewage, (2) update license requirements to include a driver certification, an examination fee, and an increase in renewal hours, (3) require a surety bond for license holders (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material.

2. **CLASSES OF PERSONS AFFECTED:** The Classes of persons affected are those operating a business that engages in the pumping, transporting, or disposing of septage; those persons who are employed and/or contracted by a licensed septage pumping and transporting business who operates a vehicle for the purposes of pumping and transporting septage; and those contracting services by a licensed pumping and transporting business.

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 who require the pumping and transporting of septage from an on-site sewage treatment system, holding tank, Type III marine sanitation device, or similar treatment works that only receives septage.

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 citizens who require pumping and transporting services by seeing an increase in the service(s) provided by the licensed pumper/transporter because of the proposed rule changes.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The probable economic impact on the affected classes of persons is the additional cost of the examination fee incurred by the licensed pumper/transporter and the additional cost of a surety bond. Cost sharing with the customers contracting the pumping and transporting service(s) may occur due to the examination fee 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:** The addition of the examination fee and surety bond is impactful to business but not adversely impactful to limit business.

9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The agency will be adding an examination fee on the determination that resources are exerted during the examination process, which mirrors the certified installer/profiler examination process. This process qualifies the drivers for certification and ensures proper training to provide a better service to the customer.

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are probable costs to DEQ to implement and enforce the proposed changes, which will be covered by the fee increase. There are benefits to DEQ related to the implementation and enforcement of the proposed changes. Those benefits will come by way of a reduction in enforcement due to better training.

11. **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.

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 existing and newly proposed fees.

13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** There is a projected net gain for DEQ in revenue(s) associated with the proposed changes. Other Agencies will not see a net loss or gain in revenue(s) from 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 change in the cost estimated to be $250 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 effect on public health, safety, and environment through better trained on-site professional pumpers/transporters. Increasing the training focus will ensure the focus is on education. The proposed changes will aid DEQ in mitigating the environmental effects of ill-trained, ill-knowledgeable owners/operators and/or drivers of a septage pumping/transporting business, 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 of: (a) improper handling of untreated sewage; (b)untreated sewage surfacing and causing a public health problem; and (c) untreated sewage contaminating 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.

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