

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 305. LABORATORY SERVICES
RULE IMPACT STATEMENT**

Before the Water Quality Advisory Council, January 7, 2025
Before the Environmental Quality Board, January 21, 2025

DESCRIPTION: This Chapter contains rules about the fees and services offered by the State Environmental Laboratory Services Division (SELSD), DEQ. The proposed revocation of this Chapter in its entirety is intended to be the second step in a two-step process to revoke and replace Chapter 305. Chapter 305 is outdated, and revocation will simplify the process of updating fees and services provided by SELSD, in compliance with Oklahoma Statutes. Since this Chapter was last updated, the Oklahoma statutory language pertaining to Advisory Councils has been amended. The types of laboratory services offered have changed. SELSD's quality assurance and quality control objectives are now part of its Quality System to ensure consistency with laboratory accreditation requirements to enhance accuracy and reliability. SELSD may now provide analytical sample collection and transport services with associated fees based on time and travel expenses. New services have been developed because of state and federal program changes. Updated fees and services, statutory references, Advisory Council authority, Quality System objectives, and fee adjustment options will be incorporated into a new Chapter. The Office of Administrative Rules has authorized the use of Chapter 306 if the Water Quality Advisory Management Council recommends adoption of the revocation of Chapter 305, and replacement by 306, to the Environmental Quality Board.

CLASSES OF PERSONS AFFECTED: The classes of persons affected include SELSD's customers, which include governmental entities, municipalities, counties, Tribes, drinking water and wastewater treatment/disposal systems, other state agencies, private individuals and businesses, and other divisions of DEQ.

CLASSES OF PERSONS WHO WILL BEAR COSTS: There are no costs associated with the revocation of this Chapter.

INFORMATION ON COST IMPACTS FROM PUBLIC/PRIVATE ENTITIES: SELSD has not received any information from other public or private entities concerning the cost impacts of the proposed rulemaking.

CLASSES OF PERSONS BENEFITTED: The classes of persons benefitted include SELSD's customers who are governmental entities, municipalities, counties, Tribes, drinking water and wastewater treatment/disposal systems, other state agencies, private individuals and businesses, and other divisions of DEQ.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no foreseeable economic impact of the proposed rulemaking.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: SELSD has not received or discovered any information to indicate any economic impact on political subdivisions due to this rulemaking.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: SELSD has not received or discovered any information to indicate adverse effects on small businesses.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: No fee changes are within this proposed rulemaking.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The cost of revoking Chapter 305 is de minimis. The benefit to DEQ of revoking Chapter 305 in its entirety is measured in increased efficiency in the rulemaking process.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There will be no additional costs to other agencies from this proposed rulemaking.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: SELSD is funded by Laboratory Accreditation Program application fees and the service fees charged for conducting analytical testing for public and private entities; however, SELSD does not anticipate any costs from this proposed rulemaking.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: SELSD anticipates no change in revenue from this proposed rulemaking.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: Implementation of this revocation will be handled solely by SELSD, and no cooperation by other political subdivisions will be required.

EXPLANATION OF THE MEASURES DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: SELSD is minimizing compliance costs through efforts to improve efficiency, effectiveness, and clarity through this proposed rulemaking.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY, NONREGULATORY, OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: SELSD has determined this method to be the least intrusive, least costly, and most efficient for SELSD to achieve the purpose of the proposed revocation.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT: SELSD has determined this rulemaking will have no negative effects.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL

REDUCE THE RISK: This proposed rulemaking is not expected to affect any risks to public health, safety, and environment.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

This proposed rulemaking is not expected to have any detrimental effect on public health, safety, or environment if not implemented.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):

This proposed rulemaking will reduce the time and effort required for SELSD to update the services and fees offered. Revoking Chapter 305 and replacing it with a new Chapter will significantly reduce the time that would be required to rewrite Chapter 305 in its entirety through the OAR process.

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