

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 306. STATE ENVIRONMENTAL 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 regarding fees and services offered by the State Environmental Laboratory Services Division (SELSD), DEQ. The proposed addition of Chapter 306 to OAC Title 252 is intended to replace Chapter 305, which is proposed for revocation, in its entirety, through the rulemaking process. Chapter 306 provides updated fees and services offered by SELSD, in compliance with Oklahoma Statutes. Chapter 306 includes updated references to statutory language, which grants the Water Quality Management Advisory Council (WQMAC) authority to recommend to the Environmental Quality Board (EQB), rules on behalf of SELSD. The types of services provided are detailed for both DEQ's needs as well as those outside of DEQ including citizens, municipalities, industry, and other agencies. SELSD's Quality Assurance Manual is referenced as well as DEQ's Quality Management Plan, which together represent SELSD's Quality System. The number and types of laboratory analysis services offered are detailed, including all applicable base fees, in Appendix A, and an annual, optional, fee adjustment using the Consumer Price Index (CPI) is explained. Chapter 306 also details other analysis, special services, possible discounts for large volume requests, and EPA's grant of primacy naming SELSD as the Principal State Laboratory with laboratory accreditation responsibilities for analytical measuring of contaminants specified in OAC 252:631 (state primary drinking water requirements).

The Office of Administrative Rules has pre-authorized the use of Chapter 306 if the Water Quality Advisory Management Council recommends adoption of the revocation of Chapter 305, and replacement by Chapter 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, businesses, and other divisions of DEQ.

CLASSES OF PERSONS WHO WILL BEAR COSTS: No classes or persons will bear any cost in the adoption and implementation of Chapter 306. This chapter merely updates statutory language and provides a clearer understanding for the classes of persons affected of the services provided by SELSD and the fees associated with those services.

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, businesses, and other divisions of DEQ.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no foreseeable quantifiable economic impact of the proposed rulemaking; however, a favorable impact to businesses may be realized by having up-to-date information about how SELSD may calculate special services that may be available as well as the potential for future CPI adjustments to base fees, if any.

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: There are no fee changes in the proposed rulemaking, only increased transparency of the fees and services currently provided by SELSD, and any fee or service that may be updated in the future.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: There are no foreseeable costs to implement and enforce the proposed rulemaking; however, the benefits include the increased transparency of the fees and services currently provided by SELSD, the updated clarity about the services currently offered and services that may be offered under certain circumstances, and optional CPI adjustments to base fees.

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 in part by 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 rulemaking.

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 fees and services offered. The two-step process of revoking Chapter 305 and replacing it with the new Chapter 306 will significantly reduce the time that would be required to rewrite Chapter 305 in its entirety through the OAR process. Business entities that use SELSD's services will benefit from the updated information in Chapter 306 because businesses will have a better understanding about how SELSD's service fees are determined as well as how base fee adjustments, if any, are calculated based on annual CPI. This rulemaking will provide much needed information for businesses to better plan for the future.