

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(OPDES) STANDARDS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on September 25, 2018
Before the Environmental Quality Board on November 9, 2018

1. **DESCRIPTION:** The gist of this proposed rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department's delegation agreement with the Environmental Protection Agency (EPA), and to ensure Oklahoma retains responsibility for administering the National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma. The Department proposes to update its rules concerning the date of the incorporation by reference for the Code of Federal Regulations from July 1, 2016, to July 1, 2018. The most significant federal regulation updates being incorporated include a rule that modifies the approved testing requirements for analysis and sampling under the Clean Water Act (the Methods Update Rule); a rule that sets February 6, 2020 as the applicability date of the new "Waters of the United States" definition; and an updated rule that establishes two alternative procedural approaches a permitting authority can use to issue NPDES general permits for small MS4s in order to ensure that the discharge of pollutants is reduced to the "maximum extent practicable." This update also included changes in the names of 40 CFR Parts 122.33-35.
2. **CLASSES OF PERSONS AFFECTED:** The MS4 updates will affect small MS4s seeking a general NPDES permit, as well as the permitting authority granting those permits, by way of offering alternative procedural methods to obtain a permit. The methods update rule will affect owners and operators of public and private laboratories that perform environmental compliance tests.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The owners and operators of public and private laboratories that perform environmental compliance tests will have to update method detection procedures, which may increase analysis costs.
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:** Regulated small MS4s will benefit from more customized permitting procedures.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There will be an economic impact on laboratories needing to update equipment and procedures. This impact could be passed on to permit holders.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** It is unlikely that the proposed rulemaking will have an economic impact on political subdivisions (e.g., municipalities and rural water associations).
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There is a potential adverse effect for laboratories that have to spend more time verifying MDL values.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no proposed fee changes associated with this rulemaking.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no anticipated additional costs to the DEQ to implement and enforce the proposed rules.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are no probable costs to other agencies associated with this rulemaking.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** There is no new funding necessary to implement and enforce this rule.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None anticipated; the proposed rule does not alter neither the DEQ's fee structure nor the duties of DEQ or other agencies.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** DEQ does not anticipate the need for additional cooperation with political subdivisions associated with this rulemaking.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** Once in effect, laboratories would have until September of 2019 to comply with the new methods update.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** DEQ has determined there are no less costly or non-regulatory methods of achieving the purpose of the proposed regulations.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** Promulgating these rules will further protect the public health, safety, and environment of Oklahoma.

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:** There is no significant risk to the public health, safety and environment that the proposed rule is designed to reduce.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** There has been no determination of any detrimental effect on the public health, safety and environment.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** DEQ has not received any quantifiable or qualitative data of the impacts of the proposed updates.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: August 21, 2018