

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

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

RULE IMPACT STATEMENT

Subchapter 1. Introduction

252:606-1-4 [AMENDED]

DESCRIPTION:

The gist of this rule and the underlying reason for the rulemaking is to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 12, 2023, to July 8, 2024. The first regulatory change was the Clean Water Act Section 401 Water Quality Certification Improvement Rule that became effective November 27, 2023. The purpose of the final rule was to provide stakeholders with a clear and consistent certification process while ensuring protection of vital state, territory, and Tribal water resources. The second regulatory change, effective on June 17, 2024, consisted of EPA finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other samples for reporting under the EPA's National Pollutant Discharge Elimination System permit program. This provides timelier access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. A third regulatory change was the Steam Electric Power Generating Effluent Guidelines final rule which became effective July 8, 2024. This rule revises the technology-based effluent limitation guidelines and standards for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater, bottom ash transport water, legacy wastewater at existing sources, and combustion residual leachate at new and existing sources. Lastly, EPA designated two per- and polyfluoroalkyl substances —perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”), including their salts and structural isomers, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). As a result of designation, CERCLA and EPCRA reporting requirements apply to releases of PFOA or PFOS or their salts and structural isomers. This rule became effective July 8, 2024.

CLASSES OF PERSONS AFFECTED:

Classes of persons affected are those who own, operate or plan to operate municipal or industrial wastewater treatment facilities and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other person that recreates in Oklahoma’s waters.

CLASSES OF PERSONS WHO WILL BEAR COSTS: There is no anticipated increase in costs as a result of these rule changes.

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.

CLASSES OF PERSONS BENEFITTED: Classes of persons benefitted are those who own, operate or plan to operate municipal and industrial wastewater treatment facilities and that must obtain permits to treat, dispose, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other person that recreates in Oklahoma's waters. Accredited laboratories that perform wastewater analyses will have more testing methods available to them.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no anticipated increase in costs as a result of these rule changes.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: It is unlikely that the proposed rulemaking will have an economic impact on political subdivisions (e.g., municipalities).

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: DEQ has not identified any foreseeable adverse effect on small businesses.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: None

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: None anticipated.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are no anticipated impacts to other agencies.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: There is no new funding necessary to implement and enforce this rule. Current funding sources include federal grant funds, user fees, and general revenue appropriations. DEQ will not incur additional costs beyond the updating of this chapter.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: None

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.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: No measures were identified to minimize compliance costs associated with this rulemaking as minimal or no increased costs are anticipated.

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.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: There is no specific anticipated effect on public health and safety at this time.

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: Designation of perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”) as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act “CERCLA” will ensure reporting requirements for releases of these substances.

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 public health, safety and environment. If these requirements are not implemented by Oklahoma, EPA has the authority to object to permits and issue enforcement actions for facilities impacted by the rule.

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: October 25, 2024