

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS**

Before the Water Quality Management Advisory Council on January 5, 2023
Before the Environmental Quality Board on February 17, 2023

RULE IMPACT STATEMENT

Subchapter 1: Introduction

252:626-1-2 [AMENDED]

Subchapter 3: Permit Procedures

252:626-3-2 [AMENDED]

252:626-3-6 [AMENDED]

252:626-3-7 [AMENDED]

DESCRIPTION:

The gist of this rule and the underlying reason for the rulemaking is that on July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts, and other political subdivisions operating a public water supply system or wastewater treatment system to utilize design-build as a project delivery method for those systems. Design-build is defined as a project delivery method in which one entity works under a single contract to provide design and construction services. The bill requires that the Department incorporate a flexible permitting process to allow this design-build authorization into its rules and authorizes up to 5 pilot projects in the interim before the rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. The Department proposes to update this rule to include definitions for “Design-build”, “Design package”, and “Flexible permitting process”, and to update language regarding Construction Permit Applications, Engineering Reports, and Plans and Specifications.

CLASSES OF PERSONS AFFECTED:

Classes of persons affected are those who construct, own, operate, plan to operate, and/or maintain public water supply systems. This will also affect customers of those systems, including incarcerated persons.

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 construct, own, operate, plan to operate, and/or maintain public water supply systems. This will also benefit customers of those systems, including incarcerated persons.

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: There may be some additional cost associated with the review of multiple design packages.

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.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: DEQ will not incur additional costs beyond the updating of this chapter

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: There is no specific anticipated effect on public health and safety at this time.

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.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): The proposed rule allows flexible permitting for construction of public water supply systems and provides flexibility for the construction and permitting process.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: December 1, 2022