

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 653. AQUIFER STORAGE AND RECOVERY**

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

RULE IMPACT STATEMENT

Subchapter 3. Raw Water and Aquifer Characterization

252:653-3-4. Groundwater Standards [AMENDED]

Subchapter 5. ASR Treatment Plant Construction

252:653-5-1. Permit and Pilot Study Required [AMENDED]

Subchapter 9. Aquifer Storage & Recovery Operations

252:653-9-2. Duration and Continuation of Expiring Permit [AMENDED]

DESCRIPTION:

The underlying reason for the rulemaking is the Legislature passed and the Governor signed Senate Bill No. 1325 and House Bill No. 3824 which transfer authority for establishing Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board (OWRB) to the Department of Environmental Quality (DEQ) and specifically allows DEQ to issue Water Quality Standard Variances.

The gist of the changes to these rules includes updating internal references to OAC 785:45 and replacing these references with OAC 252:730.

This rulemaking is the permanent replacement for the Emergency Rules signed by the Governor on October 25, 2022.

CLASSES OF PERSONS AFFECTED:

Classes of persons affected are those who conduct or propose to conduct aquifer storage and recovery activities and that must obtain permits to conduct aquifer storage and recovery activities.

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 conduct or propose to conduct aquifer storage and recovery activities and that must obtain permits to conduct aquifer storage and recovery activities.

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 will be additional staffing costs the first one to two years to update all rule citations in permits, fact sheets and other associated documents.

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: Potential sources of funding include General Revenue, federal grant dollars, and fees for service for certain activities.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: DEQ will not incur additional revenues as a result of updating 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: DEQ has reviewed current staffing and workload and will use existing staff as available associated with this rulemaking.

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: This rulemaking updates citations in DEQ rules in response to Senate Bill No. 1325 and House Bill No. 3824 which transfer authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ.

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): DEQ has not received any quantifiable or qualitative data of the impacts of the proposed updates.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: October 27, 2022