

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 656. WATER POLLUTION CONTROL FACILITY 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

252:656-1-2 [AMENDED]

Subchapter 3: Permit Procedures

252:656-3-1 [AMENDED]

252:656-3-4 [AMENDED]

252:656-3-5 [AMENDED]

Subchapter 11. Lagoon Standards

252:656-11-2 [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 Permitting Process, Engineering Report, and Plans and Specifications. Additionally, the Legislature passed and the Governor signed Senate Bill No. 1325 and House Bill No. 3824 which transfers authority for administering Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board (OWRB) to the Department and specifically allows for the Department to issue a Water Quality Standard Variance. Changes include updating a reference from OAC 785:45 to OAC 252:730. OAC 252:730 is a new rule being promulgated due to the legislation referenced above.

**CLASSES OF PERSONS AFFECTED:**

Classes of persons affected are those who construct, own, operate, plan to operate, and/or maintain 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 construct, own, operate, plan to operate, and/or maintain 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.

**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. 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:** 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 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:** DEQ has reviewed current staffing and workload and will use existing staff as available to contribute to this new program.

**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. However, the inclusion of the variance provision may allow for incremental improvement of surface water quality.

**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 DEQ rules to implement Senate Bill No. 1325 and House Bill No. 3824 which transfers authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and authorizes DEQ to issue Variances from OWQS. This update is not designed to reduce significant risks to the public health, safety and environment.

**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 wastewater treatment systems and provides flexibility for the construction and permitting process.

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