

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION**

**RULE IMPACT STATEMENT**

Before the Water Quality Management Advisory Council on January 12, 2021  
Before the Environmental Quality Board on February 19, 2021

1. **DESCRIPTION:** The gist of this rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) is in compliance with the Department of Environmental Quality's (DEQ or the Department) delegation agreement 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, 2020. The most significant federal regulation update being incorporated is EPA and the Department of the Army's redefining and clarifying the scope of "Waters of the United States" federally regulated under the Clean Water Act consistent with the Executive Order signed on February 28, 2017. This final rule implements the overall objective of the Clean Water Act and increases the predictability and consistency of Clean Water Act programs.
2. **CLASSES OF PERSONS AFFECTED:** Current and future owners and operators of facilities that discharge to waters of the state.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** None anticipated.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** None submitted as of this date.
5. **CLASSES OF PERSONS BENEFITTED:** Current and future owners and operators of facilities that discharge to waters of the state and all citizens and visitors to Oklahoma and industries that require water through the protection of surface water bodies used for recreation, economic development and for drinking.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There is no direct economic impact on facilities that discharge to waters of the state
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** None anticipated.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** None anticipated.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** None

10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** None anticipated.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None
12. **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.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None.
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:** N/A.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** None.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** None
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:** This rulemaking updates the federal requirements that are designed to protect public health and the environment by limiting contaminants that are discharged into waters of the state. This update is not designed to reduce significant risks to the public health, safety and environment.
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:** November 10, 2020

**AMENDED ON:**

DRAFT