

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

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. Introductio

252:690-1-1 [AMENDED]
252:690-1-2 [AMENDED]
252:690-1-3 [AMENDED]
252:690-1-4.1 [AMENDED]
252:690-1-6 [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-11 [AMENDED]
252:690-3-16 [AMENDED]
252:690-3-18 [AMENDED]
252:690-3-21 [AMENDED]
252:690-3-26 [AMENDED]
252:690-3-40 [AMENDED]
252:690-3-47 [AMENDED]
252:690-3-54 [AMENDED]
252:690-3-60 [AMENDED]
252:690-3-61 [AMENDED]
252:690-3-64 [AMENDED]
252:690-3-67 [AMENDED]
252:690-3-71 [AMENDED]
252:690-3-74 [AMENDED]
252:690-3-82 [AMENDED]
252:690-3-87 [AMENDED]
252:690-3-91 [AMENDED]
252:690-3-93 [AMENDED]

Subchapter 5. Groundwater Protection

252:690-5-10 [AMENDED]
252:690-5-17 [AMENDED]

Subchapter 7. Water Quality Standards Implementation Plan, Oklahoma Department
of Environmental Quality [NEW]

252:690-7-1 [NEW]
252:690-7-2 [NEW]
252:690-7-3 [NEW]

Appendix A. Water Quality Standards Implementation Plan, Oklahoma Department of
Environmental Quality [REVOKED]

Appendix A. Water Quality Standards Implementation Plan, Oklahoma Department of
Environmental Quality [RESERVED] [NEW]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring
Reasonable Potential Screening [REVOKED]

Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring
Reasonable Potential Screening [NEW]

Appendix C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [REVOKED]

Appendix C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [NEW]

Appendix D. Whole Effluent Toxicity (WET) Testing Critical Dilutions and Dilution Series [REVOKED]

Appendix D. Whole Effluent Toxicity (WET) Testing Critical Dilutions and Dilution Series [NEW]

Appendix E. Equations for Implementation of Temperature Criteria to Protect the Fish and Wildlife Propagation Beneficial Use [REVOKED]

Appendix E. Equations for Implementation of Temperature Criteria to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]

Appendix F. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [REVOKED]

Appendix F. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]

Appendix G. Equations for Implementation of Numerical Human Health and Raw Water Criteria to Protect the Fish Consumption and Public and Private Water Supply Beneficial Uses [REVOKED]

Appendix G. Equations for Implementation of Numerical Human Health and Raw Water Criteria to Protect the Fish Consumption and Public and Private Water Supply Beneficial Uses [NEW]

Appendix H. Equations for Implementation of Numerical Criteria to Protect the Agriculture Beneficial Use [REVOKED]

Appendix H. Equations for Implementation of Numerical Criteria to Protect the Agriculture Beneficial Use [NEW]

Appendix I. Performance-Based Effluent Monitoring Frequency Reductions and Increases [REVOKED]

Appendix I. Performance-Based Effluent Monitoring Frequency Reductions and Increases [NEW]

DESCRIPTION:

The gist of this rule and the underlying reason for the rulemaking is due to the Legislature passing and the Governor signing 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 references to OAC 785:45, OAC 785:46 and OWRB, and replacing these references with OAC 252:730, OAC 252:740, and Department of Environmental Quality (DEQ), respectively, and where applicable. OAC 252:730 and OAC 252:740 are new rules being promulgated due to the legislation referenced above. Additionally, the Department moved the text of Appendix A to the body of the rule. Thus, definitions in Appendix A have been moved to be with other definitions for this Chapter, and the remainder of Appendix A has been added as Subchapter 7. Other minor changes were made to modernize the rule and remove outdated references. The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 19, 2021, to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for Continuous Release Reports (CCRs) subject to the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These reports were submitted to respective EPA regional offices but with the technical amendment, EPA now requires reports be submitted to the appropriate EPA Headquarters office. The amendment also corrected a typographical error, corrected citations within the section, and amended the listed authority.

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 affect customers of those systems, incarcerated persons, and any other person that recreates in Oklahoma's waters and those that consume drinking water in Oklahoma.

CLASSES OF PERSONS WHO WILL BEAR COSTS: There is no anticipated increase in costs because 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 and those that consume drinking water in Oklahoma.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There is no anticipated increase in costs because 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. Staff will need to be added to perform duties of the Triennial Review, Site Specific Criteria development, and Variance development, if requested. Additionally, there will be costs associated with developing the implementation of the Water Quality Trading program.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: Other state agencies that implement OWQS's will be required to conduct

rulemaking to update their rules to the new DEQ rule chapters. Costs will include staff time to conduct that rulemaking.

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 incur additional staffing costs to implement this program

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. This rulemaking also makes an amendment to incorporate by reference a technical amendment to modify the submission location for Continuous Release Reports (CCRs) subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

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: December 1, 2022