

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR
CERTIFICATION**

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: General Provisions

252:710-1-8 [AMENDED]

252:710-1-9 [AMENDED]

Subchapter 3: Certification

252:710-3-37 [AMENDED]

Subchapter 5: Duties and Responsibilities

252:710-5-53 [AMENDED]

DESCRIPTION:

The gist of this rule and the underlying reason for the rulemaking is to update the rule to allow the Department to permanently revoke, or revoke for a set time, an operator's certification; to better define special requirements for instructors of approved training courses including taking a Department-proctored exam; and, to allow recording of laboratory analyses utilizing software applications in addition to bound volumes.

CLASSES OF PERSONS AFFECTED:

All persons holding or seeking a certification under these rules, as well as the waterworks and wastewater works facilities in Oklahoma.

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: Citizens of and visitors to Oklahoma will benefit from operators that are properly certified. Operators will benefit from instructors that have met the necessary requirements to provide instruction. Operators and citizens will benefit by allowing recording of laboratory analyses using software applications as well as by bound volumes.

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: There are no proposed fee changes associated with this rulemaking.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: There are no anticipate additional costs to the DEQ to implement and enforce the proposed rule.

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: Promulgating this rule will further protect the public health, safety, and environment of Oklahoma by ensuring instructors meet certain requirements and by allowing DEQ to permanently revoke an operator's certification. Public health, safety, and the environment will be further protected by allowing the recording of laboratory analyses using software applications as well as by bound volumes.

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 allows DEQ to permanently revoke an operator's certification and requires that instructors take a proctored exam. This ensures DEQ's authority over the operator certification process and also ensures that instructors are qualified to conduct training.

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