

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

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on January 7, 2020.
Before the Environmental Quality Board on February 21, 2020.

1. **DESCRIPTION:** The gist of this rulemaking is to enhance the professional development of operators in Oklahoma by increasing training requirements for certification renewal. This rulemaking will allow DEQ to approve a variety of training opportunities that minimize the financial impact on operators and employers and help rural operators to achieve the required training hours. Furthermore, this rulemaking will allow environmental professionals, such as DEQ environmental specialists, to obtain a special non-operational certification in order to demonstrate a fundamental understanding of operator knowledge. This rulemaking will also modify language to change the time of approval and review for training courses from 30 to 42 days. Furthermore, this rulemaking will incorporate the language of Senate Bill No. 670 that provides for certification reciprocity for military personnel being transferred to Oklahoma. Lastly, this rulemaking will promote consistency with relevant statutory language and clarify existing language by adding definitions and modifying unclear rule text.
The Department is also proposing to add Appendix C that clarifies the number of Professional Development Hours need for each certificate level.
2. **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.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** All persons holding or seeking a certification under these rules, or the waterworks and wastewater works facilities in Oklahoma that employ them.
4. **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.
5. **CLASSES OF PERSONS BENEFITTED:** Citizens of and visitors to Oklahoma will benefit from operators that are more knowledgeable, which results in an improved protection of overall public health. Operators will benefit by having more access to professional development that is similar to surrounding states. Waterworks and wastewater works facilities will benefit by having a more informed workforce.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There will be a slight economic impact on some operators that will be required to take more hours of training. DEQ has taken steps to minimize this impact.

7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There will be a minimal economic impact on political subdivisions (e.g., municipalities and rural water associations) based on the four to twelve additional hours of professional development training needed for upper level operators per year.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There will be a potential but minimal economic impact on some small businesses (e.g., mobile home parks) if they have upper level operators, based on the four to twelve additional hours of professional development training needed.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no proposed fee changes associated with this rulemaking.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There will be an initial investment, not anticipated to be any greater than \$25,000, for the development of a new automated database. This is expected to be offset by the savings that come with automated tracking versus manual entry of data by DEQ and training organizations.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are no other agencies that will be implementing or enforcing these rules. However, agencies such as the Department of Corrections that employ waterworks operators will have to comply with the proposed rulemaking, therefore some costs might incur due to increased training requirements.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** There is no new funding necessary to implement and enforce this rule.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** None anticipated; the proposed rule does not alter neither the DEQ's fee structure nor the duties of DEQ or other agencies.
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:** There will be online training available for professional development hours in order to cut costs of travel. The increased professional development hours in this rulemaking will not be implemented until July 1, 2021.

16. **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.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** Promulgating these rules will further protect the public health, safety, and environment of Oklahoma by providing more knowledgeable water operators.
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:** There is no specific significant risk to the public health, safety and environment that the proposed rule is designed to reduce. However, having better trained water operators in general does lower the risk of a water-borne disease outbreak.
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: December 16, 2019