

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 623. PRETREATMENT FOR CENTRAL TREATMENT TRUSTS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on October 11, 2011
Before the Environmental Quality Board on November 15, 2011

1. **DESCRIPTION:** The Department proposes to update the date of incorporation by reference of certain federal regulations from July 1, 2010, to July 1, 2011.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are industries that discharge to OOWA.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Since this rule change only incorporates by reference certain federal regulations, no additional costs will occur.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has received no information on cost impacts from private or public entities concerning the cost impacts of incorporation by reference.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma are benefitted. According to 82 O.S. § 1085.30, when the rules of the Oklahoma Water Resources Board, DEQ, and other state agencies are being met, a discharge is statutorily presumed to not be pollution.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There will be no economic impact on those who discharge or seek to discharge to OOWA. Since this rule change only incorporates by reference certain federal regulations, no additional costs will occur. DEQ has not received information from other public or private entities concerning the cost impacts of incorporation by reference.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There will not be an economic impact on political subdivisions (e.g. municipalities) that seek to discharge or have obtained discharge permits to OOWA. Since this rule change only incorporates by reference certain federal regulations, no additional costs will occur. DEQ has not received any information from other public or private entities concerning the cost impacts of incorporation by reference.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There will not be an economic impact on small businesses (e.g., commercial entities that discharge to OOWA) that seek discharge permits or have obtained discharge permits from OOWA. Since this rule change only incorporates by reference certain federal regulations, no additional costs will occur. DEQ has not received any information from other public or private entities concerning the cost impacts of incorporation by reference.

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:** DEQ does not anticipate additional costs to implement and enforce the proposed rules.
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:** Federal grants and fees will continue to be used.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES IF IT CAN BE PROJECTED:** No net loss or gain in revenues is projected.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Only those political subdivisions that have discharge permits and/or avail themselves of the programs contained in the federal scheme will be required to implement or enforce the rule. The cooperation of any political subdivision is already in place and will need to continue.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** No additional compliance costs are associated with this rule.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** There are no less costly or nonregulatory methods of achieving the purpose of the proposed revision to the rule.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The incorporation by reference of federal rules will allow the DEQ to continue to review permit applications and perform compliance activities to ensure that the OPDES program will meet state and federal requirements.
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:** No additional compliance costs are associated with this rule. The incorporation by reference of federal rules will allow the DEQ to continue to review permit applications and perform compliance activities to ensure that the OPDES program will meet state and federal requirements.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** No additional compliance costs are associated with this rule. The incorporation by reference of federal rules will allow the DEQ to continue to review permit

applications and perform compliance activities to ensure that the OPDES program will comply with state and federal requirements.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The incorporation by reference update for the federal rules will continue consistency with those rules. The DEQ will continue to help business entities use and understand the DEQ's permitting and enforcement requirements for discharging facilities.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 8, 2011.