

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 624. MINOR PUBLIC WATER SUPPLY SYSTEMS**

Before the Water Quality Management Advisory Council on January 10, 2017  
Before the Environmental Quality Board on February 17, 2017

**RULE IMPACT STATEMENT**

1. **DESCRIPTION:** DEQ is proposing to amend OAC Title 252, Chapter 624. The reason for this proposed rulemaking is to clarify the definition and requirements of minor public water supply systems. The current Chapter 624 definition of a minor public water supply system is unclear and has caused some confusion within the regulated community.

Specifically, the proposed changes have been made to clarify and reorganize the existing rules. These include: revising the definition of “minor public water supply system”; adding the definitions for “Annular Space,” “CAFO,” “Human Consumption,” “Individual Water System,” “Multi-Family Dwelling,” “PAS,” and “WSC”; adding language regarding Permit to Supply as outlined in 27A O.S. § 2-6-304; creating a “Certification of Exemption” for facilities that use the water solely for hand washing or toilet flushing; granting authority to approve requested variances; adding language regarding separation distances from concentrated animal feeding operations and wastewater lagoons to be consistent with Water Resources Board regulations; clarifying language regarding separation distances from on-site sewage systems; removing the requirement of a surface casing; adding language to allow bentonite clay as an acceptable grouting material; adding language to allow for the use of pitless well adapters; amending the appendix to show the changes to the rule and update drawings; and other minor clarifications and corrections.

2. **CLASSES OF PERSONS AFFECTED:** Licensed well drillers and individuals who own and/or operate minor public water supply systems.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Individuals who own, operate, or will be installing minor public water supply systems will bear the cost. There is no additional cost anticipated with the proposed rule changes.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The DEQ has not received any information on cost impacts from any private/public entities.
5. **CLASSES OF PERSONS BENEFITTED:** All citizens of Oklahoma who consume water from minor public water supply systems.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** None. These rules are to consolidate and clarify existing rules. There is no additional cost anticipated with the proposed rule change.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There are no probable economic impacts on political subdivisions with these proposed rule changes.

8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There are no potential adverse effects on small businesses as the proposed rule changes clarify the existing rule without imposing additional requirements.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee changes included with the proposed rule changes.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** Implementing and enforcing the proposed rules will not require more revenue than the current rules. The proposed rules are intended to clarify the rules so that they are easier to read and understand, thereby aiding DEQ in obtaining compliance.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are no probable costs and benefits to other agencies, except for the Oklahoma Water Resources Board which licenses commercial well drillers. These proposed rule changes clarify the rules to be consistent with Oklahoma Water Resources Board regulations regarding commercial well drillers.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** The sources of revenue to be used include minor water supply fees and state appropriations.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** . There are no projected net losses or gains in revenue with the proposed rule changes.
14. **COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE:** Cooperation from a political subdivision is not required to implement or enforce the proposed rule changes.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** DEQ met with stakeholders and the regulated community in the development of these proposed rules in order to minimize compliance costs.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** DEQ determined there are no less costly, non-regulatory, or less intrusive methods of achieving the proposed purpose of the rule changes.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rules are intended to clarify rules for minor public water supply systems making them easier to read and understand, thereby facilitating compliance and protecting public health, safety, and the environment. Clarification of these proposed rules will benefit all citizens who consume water from minor public water supply systems, thus ensuring safe drinking water.
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:**

The proposed rules are intended to clarify rules for minor public water supply systems making them easier to read and understand, thereby facilitating compliance. Clarification of these proposed rules will benefit all citizens who consume water from minor water supply systems, thus ensuring safe drinking water. The proposed rules make compliance easier for owners/operators of minor public water supply systems.

19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:**

If the proposed rules are not implemented then there will continue to be ambiguity and confusion within the regulated community. Certain citizens may not receive the protection of safe drinking water if proposed rules are not implemented.

20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):**

There are no quantitative impacts on business entities from the proposed rules. The qualitative impact is that some businesses (i.e. landlords of multi-family dwellings) may be required to be regulated as a minor public water supply system. Some businesses will benefit (i.e. field offices with handwashing and toilet flushing only) by not being regulated as a minor public water supply system.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** October 27, 2016