

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

RULE IMPACT STATEMENT

Subchapter 1. Introduction

252:690-1-1. Purpose and applicability [AMENDED]

252:690-1-2. Definitions [AMENDED]

252:690-1-4. Incorporation of USEPA regulations by reference [AMENDED]

Subchapter 3. Point Source Discharges

252:690-3-19. TREs, TIEs and WET limits [AMENDED]

252:690-3-27. Intermittent lethality ~~or persistent sublethality~~ [AMENDED]

252:690-3-31. WET test requirements [AMENDED]

252:690-3-34. Test duration for WET tests [AMENDED]

252:690-3-37. ~~Dilution~~ WET test dilution water for discharges to perennial streams and lakes [AMENDED]

252:690-3-39. Endpoint and test failure criteria for acute tests [AMENDED]

252:690-3-40. Endpoint and test failure criteria for chronic tests [AMENDED]

252:690-3-42. WET testing frequency reductions after WET testing trial period [AMENDED]

252:690-3-75. Wasteload allocations for implementation of human health and raw water criteria for toxic substances to protect the Public and Private Water Supply beneficial use [AMENDED]

252:690-3-93. Monitoring for a nutrient limited watershed [NEW]

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

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

Before the Water Quality Management Advisory Council, January 13, 2009, and before the Environmental Quality Board, February 27, 2009.

1. **DESCRIPTION:** The Department proposes to amend this Chapter of rules to require a failure of toxicity testing for sublethal effects to be treated the same as a failure of toxicity testing for lethal effects, as required by EPA and pursuant to approved changes in Oklahoma's Water Quality Standards. Additionally, the amendments propose to specifically state when the Department will consider an organism change for biomonitoring from *Ceriodaphnia dubia* or *Daphnia pulex* to *Daphnia magna* and to add a new rule to require monitoring in a nutrient limited watershed and that there can be no monitoring frequency reductions for WET limits. Finally, the Department proposes to revoke and reissue Appendix A to this chapter of rules to make some clean up language changes and to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.
2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the Department.

3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons on who will bear the costs are those municipal and industrial facilities that seek wastewater discharge permits or who have obtained discharge permits from the DEQ.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has not received any information concerning the cost impacts from private or public entities.
5. **CLASSES OF PERSONS BENEFITTED:** Classes of persons who benefit are those who seek discharge permits or have obtained discharge permits from the Water Quality Division of the DEQ. According to state statute, Title 82 of the Oklahoma Statutes, Section 1085.30, when there is compliance with the requirements of the Oklahoma Water Resources Board and the rules and requirements of the DEQ and other state agencies, a discharge is statutorily presumed to not be pollution.
6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The municipal and industrial facilities that discharge wastewater to waters of the state will have an economic impact from the rule changes. There will be additional costs in sampling and monitoring for sublethal effects in biomonitoring. There may be additional costs if a facility that is in the affected class fails a test.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There may be an additional economic impact on political subdivisions due to the change in rules. There will be additional costs in sampling and monitoring for sublethal effects in biomonitoring. There may be additional costs if a facility that is in the affected class fails a test.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** See #6 above.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** No fee changes are included in the proposed revision.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There are no anticipated costs to the DEQ to implement and enforce this rule change. The benefit to the DEQ is to maintain compliance with federal and state statutory and regulatory requirements, other than Department employee time and effort.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** None. No other agencies will be implementing this rule.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Federal grants, state appropriations 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:** The proposed revision will have no effect on revenues for the DEQ and/or other agencies.

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. Since most municipalities that need to discharge their wastewater already have a discharge permit, 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:** The above changes that may increase compliance costs are being recommended due to either changes in Oklahoma's Water Quality Standards or are required by EPA. There are no measures the DEQ could undertake 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:** 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:** These rule changes continue to provide for protection of public health and the environment through regulation of municipalities and industries that discharge wastewater to waters of the state by requiring such regulated entities to sample and test for certain parameter to demonstrate that the discharge will not be toxic to aquatic life and meet Oklahoma's Water Quality Standards.
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:** See Item #17 above.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** See Item #17 above.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The amendments to the rules ensure compliance with federal and state statutory and regulatory requirements so that the DEQ's program will continue consistency and assist business entities to use and understand the DEQ's permitting and enforcement requirements for discharging facilities.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: November 21, 2008.