

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 652. UNDERGROUND INJECTION CONTROL**

Before the Water Quality Management Advisory Council on May 5, 2015
Before the Environmental Quality Board on June 16, 2015

RULE IMPACT STATEMENT

DESCRIPTION: The Department is proposing to amend OAC 252:652-1-3, OAC 252:652-1-5, and OAC 252:652-3-1 to update the rule incorporations and citations for this chapter. The Department is proposing to amend OAC 252:652-1-6 by removing the annual \$250 facility monitoring fee. The Department is proposing to create a new subchapter (Subchapter 11) which would provide rules for regulating Class V Drinking Water Treatment Residual injection wells.

CLASSES OF PERSONS AFFECTED: The removal of the facility monitoring fee affects current and prospective owners and operators of any injection well facility that disposes of liquid non-hazardous waste. Additionally, entities that choose to apply for a Class V Drinking Water Treatment Residual injection well permit will be affected by the proposed rulemaking.

CLASSES OF PERSONS WHO WILL BEAR COSTS: Current and prospective owners and operators of any injection well facility that disposes of liquid non-hazardous waste, specifically, entities that choose to apply for a Class V Drinking Water Treatment Residual injection well permit will bear the cost of applying for a permit. The costs for the construction and operation of facilities under the proposed rule are significantly lower than the costs under the existing regulations.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: No information is available for cost impacts for this proposed rulemaking.

CLASSES OF PERSONS BENEFITTED: Current and prospective owners and operators of any injection well facility that disposes of liquid non-hazardous waste, specifically, entities that choose to apply for a Class V Drinking Water Treatment Residual injection well permit will benefit from this action. The proposed rules offer flexibility in the construction and operation of Drinking Water Treatment Residual injection wells as compared to the existing Class I well requirements.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: Current and prospective owners and operators of any injection well facility that disposes of liquid non-hazardous waste will experience a positive economic impact with the removal of the facility monitoring fees. Regulated entities applying for a Class V Drinking Water Treatment Residual injection well permit will benefit from the reduced regulatory burden in the construction and operation of Drinking Water Treatment Residual injection wells as compared to the existing Class I well requirements. These flexibilities translate into economic benefit.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: A political subdivision will only experience economic impact if it applies for a Class V Drinking Water Treatment Residual injection well permit. Additionally, the political subdivision will bear the

cost of ongoing operation and maintenance of the permitted wells. The economic benefits stated in the previous paragraph will also apply to these political subdivisions.

POTENTIAL ADVERSE EFFECT OF SMALL BUSINESS: No adverse effects on small businesses are anticipated with this proposed rulemaking.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The annual \$250 facility monitoring fee for Class I, III and V injection wells is being revoked. Traditionally, the monitoring fee has not been enforced by DEQ. It is anticipated that the burden of collecting this fee does not justify the use of agency resources to collect the fee. Permitted injection wells are subject to a separate statutory disposal fee.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: DEQ will incur the cost of reviewing permit applications and facility inspections.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: No new costs or benefits to other agencies are anticipated with the proposed rulemaking.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Existing Underground Injection Control fees and EPA grant monies will be the source of revenue used to implement and enforce the proposed rules.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: This rule making is revenue neutral as the facility monitoring fees for Class I, III and V injection wells have not been traditionally collected. Therefore, there is no net loss or gain in revenue anticipated with this rule making.

COOPERATION OF POLITICAL SUBDIVISION REQUIRED TO IMPLEMENT OR ENFORCE RULE: No cooperation of political subdivision is required for this proposed rulemaking.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: No new measures affecting compliance cost are to be instituted at this time with the proposed rulemaking.

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 rules.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed rules will reduce the risk to the public health, safety and environment. This rulemaking will help to improve surface water quality in Oklahoma streams while also expanding the potential sources of drinking water.

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 rulemaking will divert Drinking Water Treatment Residuals, which may not meet the requirements of a discharge permit, from surface water discharge into an injection well. This will improve surface water quality in the state of Oklahoma.

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, the wastewater disposal options for the operators of drinking water treatment facilities will be limited. At the same time, certain potential sources of drinking water may not be considered for development.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE): The only business entities affected by the proposed rulemaking are ones that generate drinking water treatment residuals, and voluntarily take advantage of the ability to manage their drinking water treatment residuals by underground injection. The impact on these business entities includes the cost of applying for a Class V Drinking Water Treatment Residual injection well permit, as well as the cost associated with the construction and operation of the injection well. This economic impact has not been quantified.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: February 12, 2015.