

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on October 7, 2014
Before the Environmental Quality Board on November 13, 2014

1. **DESCRIPTION:** The proposed regulations will: (1) replace “approved laboratory” with “accredited laboratory,” add a definition for “accredited laboratory,” and add definitions for “direct integrity test,” indirect integrity monitoring and “point of connection”; (2) update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2013, to July 1, 2014; (3) remove language referring to “laboratory approval” and replace with language for “laboratory accreditation”; (4) add the minimum free and total chlorine residual requirements for points of connection and clarify that it is the purchase water systems responsibility to monitor; (5) clarify the requirements for submitting fluoridation analytical reports to DEQ and ODH; (6) clarify the requirements for membrane filtration systems to be consistent with federal requirements and (7) other minor clarifications.

The amendments to the federal regulations, which will be incorporated by reference with this proposed rulemaking, were made to 40 C.F.R 141 Appendix A of Subpart Q (79 FR 10669) to list out all of the possible reporting violations under the Revised Total Coliform Rule that will require Tier 3 public notice to be consistent with Table 1 to 40 C.F.R § 141.204, and to § 141.852(a)(5) to address a formatting error, § 141.855 is amended by adding a reserved paragraph (d)(2) and § 141.861, paragraph (b)(1) is amended by removing § 141.858 and adding in its place § 141.859.

2. **CLASSES OF PERSONS AFFECTED:** Classes of persons affected are those who operate or plan to operate a public water supply system.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** Classes of persons who will bear the costs are those that operate a public water supply. It is anticipated that any increase in costs will be minor because the proposed rule merely clarifies existing requirements without adding additional testing.
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:** All citizens of Oklahoma will be benefitted, particularly those members of the public who consume drinking water from a public water supply.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** DEQ anticipates only a minor economic impact to owners of public water supply systems that are not already implementing the proposed measures because the proposed rule merely clarifies existing requirements without adding additional testing.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** DEQ anticipates a small economic impact to political subdivisions (e.g., municipalities and rural water associations) that are not already implementing the proposed measures.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** DEQ anticipates only a minor economic impact to small businesses (e.g., commercial entities that provide drinking water from their own public water supply system) that are not already implementing the proposed measures because the proposed rule merely clarifies existing requirements without adding additional testing.
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 are no anticipated additional costs to the DEQ to implement and enforce the proposed rules. Implementing the proposed rule modifications will help DEQ continue to ensure the safety of public water supply systems in Oklahoma and maintain compliance with its agreement with EPA to properly enforce the federal program.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are neither probable costs nor benefits to other agencies associated with this rulemaking.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** There is no new funding necessary to implement and enforce this rule. Current funding sources include federal grant funds, user fees and general revenue appropriations.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** There are neither projected net losses nor gains in revenue associated with this rulemaking.
14. **COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** DEQ does not anticipate additional cooperation with political subdivisions associated with this rulemaking.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** DEQ did not take additional measures to minimize compliance costs associated with this rule because the proposed rule merely clarifies existing requirements without adding additional testing.

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 non-regulatory methods of achieving the purpose of the proposed regulations.
17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed testing will reduce the likelihood of the presence of bacteria in drinking water from public water supplies.
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:** Due to recent boil advisories issued by DEQ, DEQ believes that it is necessary to clarify the requirement for maintaining chlorine levels and performing direct integrity testing and indirect integrity monitoring to aid in preventing illnesses caused by bacteria. Due to under reporting of illnesses, it is not possible to quantify the reduction of the risk. See paragraph 17.
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** If the proposed regulations are not promulgated, then consumers of public water could be at an increased risk for contracting bacteria-related illnesses. See paragraph 17.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There is no anticipated quantitative or qualitative impact on business entities as a result of this rulemaking.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: October 1, 2014