

OKLAHOMA WATER RESOURCES BOARD

**RULE IMPACT STATEMENT**

for Rule Amendments in OAC 785:46  
Proposed or Considered for Adoption during 2015

**A. A BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES.**

Oklahoma Water Resources Board (OWRB) staff are proposing to amend provisions of the Oklahoma Water Quality Standards (OWQS) codified in Oklahoma Administrative Code (OAC) 785:46 as presented below.

Technical documentation supporting the proposed amendments/rules outlined below is posted on the OWRB website ([http://www.owrb.ok.gov/util/rules/wqs\\_revisions.php](http://www.owrb.ok.gov/util/rules/wqs_revisions.php)). The OWRB hosted informal public meetings to discuss the proposed amendments on October 8, 2014 and October 28, 2014. During and since these meetings, OWRB staff received a limited amount of specific information/comments regarding the proposed rules and subjects B through J below. However, in all cases OWRB staff worked to be responsive to the comments/information received from both other state environmental agencies and or interested parties. In the absence of specific information from other state environmental agencies and or interested parties, OWRB staff evaluated subjects B through J in a broad manner.

Several amendments are being proposed to clarify language associated with Fish and Wildlife Propagation use support assessments for dissolved oxygen. The amendments being proposed include reformatting language for the beneficial use support tests to more clearly describe the applicable dates and magnitudes, including language in the beneficial use support tests to more clearly specify that the assessments are made across all life stages and seasons, including a new subsection (D) to describe how the term "surface" is used in this section, removing language in subsection (6) that refers to periods of thermal stratification, and addition of language in (B) to specify that the undetermined status for the water column criteria is only applicable when no volumetric data is available.

**B. A DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULES, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES.**

The classes of persons mostly likely to be affected by the proposed rules are those state agencies that conduct water quality assessments to determine the attainment or nonattainment of beneficial uses. Additionally, other groups, such as universities, that utilize the state's WQS to evaluate water quality data will be affected. The impact of the proposed dissolved oxygen implementation provisions will be beneficial because the proposed revision serves to clarify the application/implementation of the existing dissolved oxygen criteria.

The proposed revision clarifies the existing implementation of the dissolved oxygen criteria; there are no expected costs as a result of this revision. OWRB did not receive any cost information from any private or public entity.

**C. A DESCRIPTION OF THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.**

The classes of persons who will benefit from the proposed rules are primarily staff of state environmental agencies that conduct water quality assessments to determine the attainment or nonattainment of beneficial uses. The proposed rule will benefit agency staff because it serves to clarify the implementation of the dissolved oxygen criteria and will support consistent and correct dissolved oxygen water quality assessments. This will subsequently benefit the regulated community because the state will consistently and correctly identify waterbodies in need of additional protection and or further regulatory action.

**D. A DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LISTING OF ALL FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE.**

The proposed revision clarifies the existing implementation of the dissolved oxygen criteria it does not change the criteria; the proposed rule is not expected to cause an economic impact on affected persons or political subdivisions.

OWRB staff did not receive any information from affected persons, political subdivisions, or other state agencies regarding the probable economic impact of the proposed rules.

There are no fee changes included in the proposed rules.

**E. THE PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN STATE REVENUES IF IT CAN BE PROJECTED BY THE AGENCY.**

This proposed revision clarifies the implementation of the existing dissolved oxygen criteria and it is not expected that the proposed rule will require any agency to modify their implementation and or enforcement activities. It is not expected that this clarification will generate any cost or benefit for any state agency.

The proposed rules are not expected to have any effect on state revenues.

**F. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE RULES.**

Political subdivisions are not expected to have implementation or enforcement responsibilities associated with the proposed rules. The proposed revision clarifies the implementation of the existing dissolved oxygen criteria it does not change the criteria; the proposed rule is not expected to change the enforcement of the dissolved oxygen criteria.

**G. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT.**

The proposed revisions to the implementation of the dissolved oxygen criteria are not expected to have an adverse economic effect on small business (defined in 75 O.S. § 502). The proposed revision clarifies the existing dissolved oxygen criteria it does not change the criteria and will not create additional costs for any small business.

**H. AN EXPLANATION OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.**

The proposed revisions to the implementation of the dissolved oxygen criteria work to clarify the existing dissolved oxygen criteria it does not change the criteria. This proposed revision will not have any associated compliance cost.

**I. A DETERMINATION OF THE EFFECT OF THE PROPOSED RULES ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.**

The proposed revisions to the dissolved oxygen criteria work to clarify the implementation of the existing dissolved oxygen criteria it does not change the criteria; therefore, this rule would not have a direct effect on public health, safety or the environment. The objective and benefit of the proposed rule is that it serves to clarify the dissolved oxygen criteria, which will facilitate agency staff in making consistent and correct dissolved oxygen water quality assessments.

**J. A DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.**

The proposed revisions to the dissolved oxygen criteria work to clarify the implementation of the existing dissolved oxygen criteria it does not change the criteria; therefore, there are no anticipated adverse effects to public health, safety or the environment if the proposed rules are not implemented.

**K. THE DATE THE RULE IMPACT STATEMENT WAS PREPARED AND IF MODIFIED, THE DATE MODIFIED:**

This rule impact statement was prepared and approved on December 1, 2014 by Jason Childress, Section Head, Water Quality Standards Section, Water Quality Programs Division, Oklahoma Water Resources Board.