

OKLAHOMA WATER RESOURCES BOARD

RULE IMPACT STATEMENT

CHAPTER 25. DAMS AND RESERVOIRS

for Rule Amendments in OAC 785:25
Proposed for Adoption During 2008

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

The purpose of the proposed rules are to clarify the intent and interpretations of the Oklahoma Water Resources Board (OWRB) relating to the Oklahoma Dam Safety Act by amending existing rules in Chapter 25 as follows:

Add a requirement in 785:25-7-6 relating to Notice of Completion of the dam that the Notice to the OWRB must be accompanied by the engineer's certification that the dam was constructed according to the plans approved by the OWRB.

Revise section 785:25-7-8 on "Certificate of Completion" to indicate that the certificate is based on the engineer's certification to avoid the perception that an OWRB employee takes responsibility to certify that the dam is safe as built.

Amend section 785:25-7-9 on post-event inspections to specify that the OWRB may require an unscheduled inspection at the owner's expense, not just inspections at OWRB expense.

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 proposed amendments will most likely affect persons who file applications to construct, enlarge, alter, remove or repair any dam. These persons will also bear the costs of the proposed amendments.

As of the date of this rule impact statement, the OWRB has not received from any private or public entities any information on cost impacts foreseen on account of these proposed rules.

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

The proposed amendments will likely not have a significant impact or benefit for any class of persons other than owners of dams. However, all citizens interested in the construction of dams that are within the jurisdictional size regulated by the Board will benefit from clarification of the rules. Owners of dams or proposed dams should benefit by having a more clear understanding of the requirements.

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 OWRB staff expects that the probable economic impact of the proposed amendments will be minimal. There are no fee changes associated with these proposed amendments.

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.

No extraordinary costs to the OWRB or other agencies are anticipated. The rule changes only provide clarification to the OWRB for the administration of dam procedures. It is anticipated that the proposed amendments will have no 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.

The proposed amendments should have no economic impact on political subdivisions.

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

The OWRB staff expects that the proposed amendments should have no adverse effect on "small business" as defined in 75 O.S. § 502.

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 OWRB has taken no measures to minimize "compliance costs" of the proposed amendments because these proposed amendments are expected to have no such costs. There are no less intrusive methods for achieving the purpose of the proposed rules.

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.

These proposed rules likely will have a minimal beneficial effect on public health, safety or the environment by making more stringent requirements to obtain a certificate of completion and to provide for additional unscheduled inspections when necessary.

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

It is unlikely there will be any detrimental effect on the public health, safety and environment if the proposed amendments are not implemented.

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

This rule impact statement was prepared on November 15, 2007.

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Oklahoma Water Resources Board