

OKLAHOMA WATER RESOURCES BOARD
RULE IMPACT STATEMENT
for Rule Amendments in OAC 785: Chapter 35
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 Well Drillers and Pump Installers Licensing program set forth in Oklahoma Groundwater Law by amending existing rules in Chapter 35 as follows:

The definition section of the water well and pump installer licensing rules is proposed to be amended by adding the definition of "Fresh Water" for this Chapter to be consistent with Oklahoma Groundwater Law.

Subchapter 3 on licensing requirements is proposed to be amended by adding provisions to the continuing education requirement to specify that one unit of the eight units for the two-year license period must include an approved review of Board rules about well driller licensing and minimum standards of construction of wells. Subchapter 3 is also proposed to be amended to allow an indefinite grace period for license renewal based on military service obligation.

Subchapter 5 on requirements for multi-purpose completion reports is proposed to be amended to require the submittal of global positioning system (GPS) coordinates regarding actual well locations beginning July 1, 2009.

Subchapter 7 on minimum standards for construction of water wells is proposed to be amended to recognize that more stringent standards apply in areas of known contamination as listed in Appendix H of Chapter 45, Oklahoma's Water Quality Standards. Amendments to Subchapter 7 are also proposed to include a minimum distance from pollution source to include separation distances for aerobic (above ground) septic systems to include 15 feet from aerobic sprinkler spray and 50 feet from an aerobic sprinkler head. Amend the section regarding minimum standards for casing of water wells to increase the height above ground level that the well casing must be installed from eight inches to twelve inches (8" to 12") above the natural ground level. Amend the section on well sealing requirements to include an alternative sealing method that requires an additional amount of cement or bentonite grout installed in the area between the surface and production casing when the surface casing terminates less than twelve inches (12") above natural land surface. Amend the section to add subsurface septic system as a source of pollution that requires a groundwater not used for drinking water purposes to be located fifty feet (50') or further away from the source. Amend section on heat exchange minimum standards to clarify that the provisions apply to the drilling of the borehole, installation of loop pipe and the filling and/or grouting of the well, but that the manifolding of a heat exchange well loop pipe to complete a heat exchange system is not a regulated activity.

Amend Subchapter 9 on minimum standards for pump installation to address windmill driven pumps to clarify that construction of a cover plate designed to exclude pollution from the surface is required for windmill pump installations.

Amend Subchapter 11 on test hole drilling and plugging requirements to provide more flexibility and options, to allow temporary casing and capping for test holes to

prevent cave-ins, and that if a written statement is received from the landowner acknowledging the landowner's responsibility to plug a test well, the well driller would be allowed to remove the drilling equipment after the written statement is submitted to the Board. Amend the section on monitoring well plugging standards relating to the cement grout requirement to ensure effective grouting a minimum of 95% of the original drilled borehole depth and that if the total depth of the well is in excess of twenty feet (20') below land surface, the cement grout is to be placed by pumping from the bottom of the hole to the land surface.

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.

Persons who commercially drill or plug water wells and monitoring wells and persons who install water well pumps are most likely affected by the proposed rules. Such persons will bear any costs of the proposed rules. The OWRB has received no information from any private or public entities about the potential costs.

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

Persons who commercially drill water wells and monitoring wells and who install water well pumps will benefit by having clearer rules to follow. Citizens who have water wells and pumps installed will also indirectly benefit by having better prepared licensees conduct activities that affect them.

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.

There should be no significant economic impact upon the affected classes of persons or political subdivisions by 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.

No extraordinary costs to the OWRB or other agencies are anticipated. 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.

Implementation of the proposed rules should have no economic impact on any political subdivisions or require cooperation in implementing or enforcing the rules.

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.

To the extent that a water well or pump installation firm is a small business, there should be only a minimal adverse economic impact on the 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.

There are no measures to be taken to minimize compliance costs, and there are no less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

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 rules should better protect the public health, safety and environment by providing additional protection to groundwater resources.

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

If the proposed rules are not implemented, there should not be a significant detrimental effect on the public health, safety and environment.

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, by Kent Wilkins.