

OKLAHOMA WATER RESOURCES BOARD

RULE IMPACT STATEMENT

for Rule Amendments in OAC 785:55
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 Floodplain Management Act by amending existing rules in Chapter 55 on floodplain management as follows:

Amend three provisions on floodplain administrators to acknowledge that communities in the floodplain management program before the effective date of the Oklahoma Floodplain Management Act in May 1980 may not have created a floodplain board that designates or fills vacancies in the floodplain administrator position for the community. Communities in the program before May 1980 may specify by ordinance or by job description the person that fills the position of floodplain administrator for the community. The intended effect of the rule revisions is to clarify the distinction between pre-1980 communities and post 1980 communities.

Another proposed revision is to revoke the provision on temporary accreditation period as no longer necessary. The rule was adopted for the transition period after the law was enacted to require accreditation of floodplain administrators. The intended effect is to delete obsolete and unnecessary language.

Another proposed change relating to expiration and renewal accreditations is to delete language allowing an exemption from continuing education requirements for persons accredited for less than one year or who are Certified Floodplain Managers. The circumstances which created the need for the rule is the recognition that the lack of continuing education by newly accredited persons or by those who have moved to the next level by being a Certified Floodplain Manger has caused confusion concerning new requirements regarding floodplain management. The intended effect of the rule is to start requiring newly accredited floodplain managers and Certified Floodplain Managers to take continuing education courses.

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 administer floodplain management programs for local communities (municipalities and counties) are most likely affected by the proposed rules. There has been no information on cost impacts received by the agency from any private or public entities.

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

All persons who reside in communities that participate in the floodplain management program and floodplain administrators for such communities will benefit from the proposed rules by virtue of getting continuing education. Persons who will benefit from the proposed rules include those persons who most likely will be affected by the proposed rules.

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 are no fee requirements for these proposed rule changes and therefore there is no anticipated economic impact.

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.

The OWRB receives funding for the floodplain management program through Federal Emergency Management Agency grants or matching funds. No extraordinary costs to the OWRB or other agencies are anticipated. It is anticipated that the proposed amendments will reduce flood disaster recovery costs and have a positive 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 rule changes should have no economic impact on communities who voluntarily participate in the National Flood Insurance Program.

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.

Implementation of the proposed rules should have no adverse economic effect on 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 known less costly or no regulatory methods or 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.

There should be some positive effect of the proposed rules on the public health, safety and environment by clarification of floodplain administrator continuing education requirements.

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

There should be no detrimental effect of the public health, safety and environment if the proposed rules are not implemented.

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

Prepared on November 15, 2007.

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