

OKLAHOMA WATER RESOURCES BOARD
RULE IMPACT STATEMENT
for Rule Amendments in OAC 785: Chapter 35
Proposed for Adoption During 2023

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

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing or is considering promulgation of amended or new rules in Oklahoma Administrative Code ("OAC") 785:35 as follows.

OAC 785:35-1-4(b)(2)(E) is proposed to be amended to increase the administrative fine for failure to submit well completion and plugging reports.

OAC 785:35-1-6(e) is proposed to provide continuing education units for contractors serving on the Well Drillers Advisory Council.

OAC 785:35-5-3 is proposed to be amended to provide clear and specific requirements for submitting well completion and plugging reports.

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.

OWRB-licensed well drillers will be affected by the proposed rules. The same classes affected will bear the cost of the rules.

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

All citizens of the State will benefit from the proposed changes to increase the fine for non-compliance with completion reporting and the proposed updated requirements for completion reporting. Improved compliance with well completion reporting will lead to greater compliance with groundwater well construction standards and improved water rights administration (e.g. well spacing meets criteria), which will help prevent waste and contamination of groundwater resources. As a result of improved compliance, the public will also benefit by having access to more accurate and dependable groundwater data. All citizens of the State will benefit by reducing potential threats to water quality, interference issues with current water right holders.

Members of the Well Drillers Advisory Council will benefit from the proposed changes by being compensated with continuing education units for their time meeting and discussing current and proposed rules and industry concerns. The proposed changes are expected to result in increased participation on the Council, which, in turn, will benefit OWRB-licensed well drillers and all citizens of the State as industry and regulatory issues are addressed by the Council.

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 probable direct and indirect economic impact of the proposed amendments is anticipated to be very minimal. Only OWRB-licensed well drillers who violate well completion reporting requirements will be affected by the fine proposed. Advisory Council members may be able to meet their continuing education requirements with less expense than attending

conferences or workshops. The proposed requirements for submitting well completion reports do not differ significantly from what is provided on the current forms. The proposed amendments serve to formalize what constitutes a complete report, and therefore cause minimal impact.

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.

Well completion and plugging reporting, along with sensible rules developed in coordination with the Well Driller Advisory Council, are required to properly protect groundwater resources. Groundwater wells, especially if constructed improperly, may cause contamination and waste of groundwater resources. The proposed amendments are intended to support a proactive approach, rather than reactive approach, to resolving groundwater well construction and groundwater beneficial use issues and concerns. Failure to proactively manage compliance with licensing, proper well construction, and groundwater rights administration could pose significant risk to public health and safety, the environment, and even the economy.

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

As indicated in item I above, the proposed amendments are intended to improve compliance with well completion and plugging reporting and improve the quality of groundwater information available to the OWRB (and the public). This will better enable OWRB accomplish the goals of groundwater protection (health and safety) and fair groundwater appropriation (water rights). If the proposed amendments are not implemented, OWRB will be required to continue to do the best work possible while utilizing what is often sub-par data to make important discussions regarding groundwater in the State.

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

This rule impact statement was reviewed and approved on December 1, 2022, by Christopher R. Neel, Chief, Water Rights Administration Division, Oklahoma Water Resources Board.