

OKLAHOMA WATER RESOURCES BOARD

RULE IMPACT STATEMENT for Rule Amendments in OAC 785:50 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 to create various provisions of OAC 785:50 as follows:

The Oklahoma Water Resources Board proposed to make permanent the emergency rules related to programs authorized by the Legislature under the American Rescue Plan Act ("ARPA").

Subchapter 15 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for water and wastewater infrastructure as authorized by the ARPA. The legislation directs OWRB to create a water and wastewater infrastructure grant program for communities 7,000 or less and a water and wastewater infrastructure grant program for communities 7,001 or more from funds available from the ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA water and wastewater infrastructure grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 17 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for a publicly owned deficient dams grant program from funds available from ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review Oklahoma Dam Rehabilitation Grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 19 is proposed to add language to implement provisions of Senate Bill 4 and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB to establish a grant program to match tribal investment in rural water infrastructure projects as authorized by the American Rescue Plan Act ("ARPA"). The funds shall be used as recommended and approved by the Joint Committee on Pandemic Relief Funding on March 10, 2022. The legislation directs OWRB to create rules and establish procedures for evaluation and awarding grant applications. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA Tribal Cooperation Grant program requirements, clarify the approval process, disburse funds, and provide necessary information to potential applicants regarding laws, guidelines, and the process. This subchapter has been amended from the emergency rules to add "a federally recognized Indian tribe or authorized Indian tribal organization" to the definition of "Qualified Entity".

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.

Eligible entities who qualify for ARPA Grants from the OWRB are most likely affected by the proposed rules. The same classes affected will bear the costs of the rules if any. There has been no information about the cost impacts received from any private or public entities; however, no extra cost is anticipated for these ARPA Grants for entities.

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

Representatives of the eligible entities who pursue ARPA Grants from the OWRB will benefit 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.

The probable economic impact upon affected classes of persons or political subdivisions will be positive. No negative economic impact is anticipated.

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.

Any costs associated with these ARPA Grants have designated administrative fees in the creation legislation. 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.

Because most political subdivisions are eligible entities for purposes of ARPA Grants from the OWRB, such political subdivisions who apply for ARPA Grants will be required to cooperate in completing applications and complying with terms of the financial assistance obtained. The probable economic impact upon affected political subdivisions will be positive. No negative economic impact is anticipated.

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.

There will be no adverse economic impact 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 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 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.

The proposed rules should have no negative effect on the public health, safety and environment.

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 be no 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 by Kate Burum, Financial Assistance Division, on November 30, 2022.