

**TITLE 252. OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE
TREATMENT SYSTEMS**

RULE IMPACT STATEMENT

Before the Water Quality Management Advisory Council on January 7, 2020
Before the Environmental Quality Board on February 21, 2020

1. **DESCRIPTION:** The gist of the rule that the Department is proposing is to: (1) clarify the definitions of “Sewage”, (2) clarify ownership as it applies to on-site systems, (3) establish a date that the percolation test method will no longer be accepted for the design and sizing of on-site sewage treatment system, (4) remove the building sewer construction requirements and reference the most current adoption of the Oklahoma Plumbing Code, (5) require the installation of an access manhole over the septic tank inlet baffle, (6) include language to allow the use of aerobic treatment systems for commercial small public facilities, increase the overall installation depth of the systems, and clarify the maintenance requirements, (7) amend the construction requirements for ET/A system to allow for a depth of installation range from 18-24 inches, (8) amend the drip installation requirements to include a daily pumping timeframe, clarify the drip pipe spacing requirements, and require the installation of a flow meter in the dispersal field, (9) add closure requirements for lagoons and require signage for all small public lagoons, (10) add language that defines the timeframe a passing test score is valid as it applies to Certified Installers and Certified Soil Profilers and define the timeframe records are to be retained, (11) include language that references OAC 252:4-7 that addresses the refunding of permit fees, and (12) make other minor clarifications and corrections.
2. **CLASSES OF PERSONS AFFECTED:** The Classes of persons affected are those property owners that will be utilizing an onsite sewage treatment system, persons conducting soil testing for the design of onsite sewage treatment systems, and those businesses looking to make use of aerobic treatment systems for the treatment and dispersal of their domestic sewage needs.
3. **CLASSES OF PERSONS WHO WILL BEAR COSTS:** There are no anticipated increase to costs associated with the proposed rule changes.
4. **INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** DEQ has not received any information from other public or private entities concerning the cost impacts of the proposed regulations.
5. **CLASSES OF PERSONS BENEFITTED:** Current and new business owners will benefit from an increase in the available system options contained in this Chapter with the

addition of aerobic systems as an option for some small public facilities.

6. **PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** There was no probable economic impact on affected classes of persons identified.
7. **PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** There was no probable economic impact on political subdivision identified.
8. **POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** There were not any adverse effects noted relating to small business with these proposed rule changes.
9. **LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** There are no fee increases associated with these proposed rules.
10. **PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** There is no additional cost anticipated with these proposed changes. The benefit to these changes will be a reduction in the time spent conducting alternative system plan review and site visits.
11. **PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There were no probable cost and benefits to other agencies to implement and enforce with the proposed rule changes.
12. **SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Revenue available for the implementation and enforcement of these proposed rules will come from fee generated from the associated program and from general revenue.
13. **PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** DEQ would have an increase in fees collected due to a potential increase in the number of soil tests requested. There will also be a reduction in generated fees based on the inclusion of small public aerobic system by way of a decrease in the overall number of alternative system plan reviews.
14. **COOPERATION OF POLITICAL SUBDIVISION REQUIRED IMPLEMENTING OR ENFORCING RULE:** There is no cooperation of political subdivisions required for the implementation or enforcement of these proposed rule changes.
15. **EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The compliance costs associated with the proposed rule changes will be minor and the DEQ is looking to reduce the impact by holding training classes for certification as soil profilers in regional locations across the State. This action will help in reducing the overall expense in becoming a certified soil profiler.
16. **DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR**

NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: There were no other methods identified for implementing the proposed changes.

17. **DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed rule changes are intended to provide adequate design criteria for the specific location and use, foster increased system maintenance, and increase system installation options for property owners.
18. **IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** The proposed rules should significantly reduce the risk that: (a) untreated sewage will surface and cause a public health problem; and (b) untreated sewage will contaminate waters of the State
19. **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Not adopting these changes has the potential to cause an increase in the amount of untreated sewage that may cause a public health problem and impact to ground water and surface water.
20. **PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** There are no identifiable impacts on business entities associated with these proposed rules.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: October 21, 2019