

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606.**

RULE IMPACT STATEMENT

A. Statement of need for the rule change and legal basis supporting it.

The gist of this rule and the underlying reason for the rulemaking is to: update this Chapter to incorporate by reference federal rules from July 8, 2024, to January 17, 2025; updating fees to apply the Consumer Price Index (“CPI”) to stormwater and other general discharge permit fees; adding definitions and other provisions for the determination of reasonable potential for selenium; disallowing reduction of monitoring frequency for a parameter when the receiving stream is impaired for that parameter; and adding equation for selenium long-term average (LTA) to Appendix L.

B. Classification of rule change (major/non-major), justification for that classification, and business cost estimate over the first five (5) years.

This rulemaking is non-major. There is no anticipated increase in business costs over the first five years, other than the portion of the rulemaking related to fees. Fees that will be adjusted based upon the CPI are not likely to change substantially, such that the business cost will not exceed the threshold of \$1,000,000.00 over the initial five-year period following the promulgation, as defined in 75 O.S. § 303(D)(3)(b). Incorporation by reference of federal rules primarily reflects grammatical and stylistic changes made by the EPA to the federal rules. Therefore, this incorporation by reference will not impose any additional costs that the referenced federal rule(s) did not already impose upon affected entities. Other proposed changes are not expected to increase or add new business costs.

C. Description of the purpose of the proposed rule change, whether the change is mandated by federal law or is required to participate in or implement a federal program, and whether the change exceeds the requirements of the federal law.

The rulemaking aims to update the rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 8, 2024, to January 17, 2025, to reflect grammatical and stylistic changes. Updating fees to apply the CPI to stormwater and other general discharge permit fees will make this Chapter uniform with other Chapters. It will also add definitions and other provisions for the determination of reasonable potential for selenium. It will disallow reduction of monitoring frequency for a parameter when the receiving stream is impaired for that parameter, and add an equation for selenium LTA to Appendix L.

D. Description of the classes of persons who most likely will be affected by the proposed rule(s), including classes that will bear the costs of the proposed rule(s), and any information on cost impacts received by the agency from any private or public entities.

DEQ has not received any information from public or private entities concerning the cost impacts of the proposed regulations. Classes of the persons affected are those who own, operate, or plan to operate municipal or industrial wastewater treatment facilities and those who must obtain permits to treat, dispose of, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, and any other persons who recreate in the waters of the state. These same owners and operators are the class of persons who will bear any costs associated with the rules, such as any increase in fees using the CPI.

E. Description of the classes of persons who will benefit from the proposed rule(s).

Classes of persons benefited are those who own, operate, or plan to operate municipal and industrial wastewater treatment facilities, as well as those who must obtain permits to treat, dispose of, and reuse municipal and industrial wastewater. This will also affect customers of those systems, incarcerated persons, any other person who recreates in Oklahoma's waters, and those who consume drinking water in Oklahoma.

F. Comprehensive analysis of the rule change's economic impact, including impacts to the full-time-employee count of the agency, costs or benefits, a quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local governments, and on the state as a whole, with a listing of all fee changes and justification for each fee change.

Other than any increase in fees due to an adjustment under the CPI, DEQ expects no new significant economic impact on the affected classes of persons (including businesses, business sectors, public utility ratepayers, individuals, state or local governments, and the state as a whole) from this rulemaking activity as it aligns state rules with preexisting federal standards and aims to provide uniformity for DEQ permit fees. For the portion of this rulemaking that is for incorporation by reference, cost analyses were conducted by EPA, in accordance with federal requirements, when it originally proposed the federal regulations that are referenced in this rule. DEQ anticipates no changes to full-time employee counts.

G. Detailed explanation of methodology and assumptions used to determine the economic impact, including dollar amounts calculated.

Overall cost estimates cannot readily be determined or assumed, except that fees might increase based on the CPI.

H. Determination of whether implementation of the proposed rule(s) will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule(s).

DEQ anticipates no economic impact on political subdivisions, except that fees might increase based on the CPI. No cooperation from political subdivisions is required to implement or enforce the rule.

I. Determination of whether implementation of the proposed rule(s) may have an adverse economic effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

DEQ has not identified any foreseeable adverse effect on small businesses (defined in 75 O.S. § 502), except for a small business that might be required to pay a fee that increases based on the CPI.

J. Any measures taken by the agency to minimize cost and impact of the proposed rule change on business and economic development in the state, local governmental units, and for individuals.

There are no additional compliance costs expected due to this rule, and thus, no additional measures were taken by DEQ.

K. Determination of the effect of the proposed rule(s) on the public health, safety and environment and, if the proposed rule(s) is/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 rule will reduce the risk.

There is no specific anticipated effect on public health and safety.

L. Determination of any detrimental effect on the public health, safety, and environment if the proposed rule(s) is/are not implemented.

There has been no determination of any detrimental effect on public health, safety, and the environment.

M. Analysis of alternatives to adopting the rule.

The alternative to adopting the proposed rule changes is not to adopt the rule changes.

N. Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule.

DEQ staff estimates more than 120 hours of professional time for rule development, including but not limited to rule drafting, legal review, informal public meetings, formally presenting rule changes to the Water Quality Management Advisory Council, managing public comment periods, and filing the final rule.

O. Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule.

This rulemaking incorporates certain federal rules by reference to the most recent federal version. The applicable federal rule changes are largely grammatical and stylistic. This rulemaking also reflects updates to criteria and methodologies.

**P. This rule impact statement was prepared on: October 30, 2025
Modified on:**