

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 740. IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY
STANDARDS**

RULE IMPACT STATEMENT

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

Pursuant to DEQ’s delegation authority from EPA, DEQ updates certain criteria and methodologies as part of the Triennial Review process required by the Clean Water Act (“CWA”). These updates ensure that Oklahoma’s Water Quality Standards reflect updated science and methodologies ensuring the continued protection of waters of the state. This rulemaking reflects updated criteria and methodologies, such as: add, remove, or modify definitions; includes language concerning reasonable potential that allows for the use of a selenium fish tissue study to determine the need for a WQBEL; addition of fish tissue based studies as the preferred method for assessing impairments to the Fish and Wildlife Propagation use for selenium, with the option to apply water column criteria when fish tissue data are unavailable; and update criteria for an assessment of Secondary Body Contact Recreation (“SBCR”).

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

The proposed rule is a non-major rule change as there are no mandated costs with this rulemaking, and thus the business cost estimate will not exceed the threshold of \$1,000,000 over the initial five-year period following the promulgation of the proposed rule, as defined in 75 O.S. Section 303(D)(3)(b). The updates to regulations do not involve any mandated expenses for government agencies or private parties. Any cost associated with conducting a fish tissue study would be voluntary. 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.

Updates and rule changes are in line with federal regulations within the CWA to protect surface waters as a component of the Triennial Review process. This rulemaking does not exceed the requirements of federal law. The proposed changes to the methodologies reflect EPA recommendations based on updated scientific understanding. This includes the addition of the ability to perform a fish tissue study for the development of a site-specific selenium criterion. Changes to Secondary Body Contact Recreation assessment are based on updated scientific understanding and EPA guidance to allow for better protection of human health.

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.

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

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, and any other persons who recreate in Oklahoma's waters.

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.

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, without imposing any additional requirements that are not already present in the federal regulations. Permittees who elect to seek a site-specific criterion will voluntarily incur costs associated with that site-specific criterion, and it is unclear how many permittees would choose to pursue the option of a site-specific criterion. DEQ does not anticipate that this rulemaking will require any increase to DEQ's count for full-time employees.

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

Inclusion of rules for site-specific criteria is the portion of the rulemaking likely to have an economic impact. Overall cost estimates are difficult to estimate or assume since it is unknown how many permittees might elect to pursue site-specific criteria. Costs are associated with site-specific studies, which are voluntarily performed by authorized entities. The cost of these studies can only be determined on an individual basis as they vary widely based on the study conducted, size of the discharger, and size of the waterbody.

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. No cooperation from political subdivisions is required to implement or enforce the rule. The costs associated with rule changes will be from site-specific studies, which are voluntary.

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.

There may be an economic effect on small businesses (defined in 75 O.S. § 502) if the small business is required to obtain an OPDES permit for the discharge of wastewater and wishes to conduct a site-specific study. The costs associated with rule changes will be from conducting a site-specific study, which is voluntary.

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.

Concerning the selenium criteria, the proposed rule incorporates updated scientific understanding regarding the toxicity and bioaccumulation of selenium in aquatic life and fully protects the Fish and Wildlife Propagation beneficial use. The updated selenium criteria will benefit Oklahoma residents and recreational visitors through the protection of aquatic life resources and improved condition of surface waters throughout the state.

The proposed SBCR criteria will benefit Oklahoma residents and recreational visitors through protection of human health and improved condition of surface waters around the state through updated standards.

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

There will be no detrimental effect on public health, safety, and the environment if the proposed rule is not implemented.

M. Analysis of alternatives to adopting the rule.

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

Pursuant to DEQ's delegation authority from EPA, it is incumbent upon DEQ to update these criteria and methodologies.

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

Modified on: