

OKLAHOMA WATER RESOURCES BOARD

RULE IMPACT STATEMENT
for Rule Amendments in OAC 785:30
Proposed for Adoption During 2024

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

Staff proposes that the Oklahoma Water Resources Board ("Board") amend Oklahoma Administrative Code ("OAC") section 785:30-3-4 to require that public notice of a ground water application be provided to permit holders on a property in addition to the owner of the surface estate. The information to meet this new requirement can be found on the website of the Oklahoma Water Resources Board.

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.

Persons or entities that submit an application for a permit to take and use groundwater or an amendment to an existing permit will be affected by the proposed rule amendments. The cost impacts will be minimal and will only include the cost of certified mail to a few additional entities.

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

Persons/entities who hold groundwater permits, but do not own the surface estate, will benefit from rule amendment. The rights to groundwater may be sold/leased by the landowner to another party, often municipalities or rural water districts. Because of this, the landowner who receives notice of an application for a permit to use groundwater has no interest in the outcome of the application and the party with the existing permit and interest in the application does not receive notice.

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.

This amendment does not involve fee changes. The probable economic impact to any party is minimal and is based on the number of parties required to receive notice of an application to use groundwater.

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.

No other state agency will be required to assist in implementing or enforcing this amendment. There is no projected net loss or gain in state agency 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.

No persons or entities are likely to be impacted by the proposed changes to OAC Section 785:30-3-4. In general, political subdivisions are not charged with the implementation or enforcement of the proposed rules; therefore, no general economic impact is anticipated for these entities. However, political subdivisions that need to obtain a permit to use groundwater will be required to comply with notice provisions.

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.

The proposed fees in OAC Section 785:30-3-4 are not expected to have an 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.

Compliance with the proposed amendments pose a minimal cost to applicants. There are no less costly, nonregulatory, or less intrusive methods for achieving the purpose of the proposed changes.

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 amendment will expand the number of entities that receive notice of an application to use groundwater. This will ensure that all interested entities are able to protest applications that may impact existing water uses.

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

If municipalities and rural water districts are not aware of applications to use groundwater that may affect the operation of existing wells, the water providers may encounter issues in providing adequate water to customers.

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

This rule impact statement was reviewed and approved on November 15, 2023, by Sara Gibson, General Counsel, Oklahoma Water Resources Board.