

OKLAHOMA CONSERVATION COMMISSION
RULE IMPACT STATEMENT
Pursuant to 75 O.S. §§ 253(b) & 303(d)
For New Permanent Rules Superseding Emergency Rules
OAC 155: Chapter 25
Proposed for Adoption in 2008

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

The staff of the Oklahoma Conservation Commission (OCC or Commission) is proposing new permanent rules to supersede emergency rules in a new chapter of OAC 155 to implement 82 O.S. § 1085.65 which requires the OCC to promulgate rules to receive, and review applications for water quality projects submitted to the Clean Water State Revolving Fund Program for implementation of nonpoint source management programs as allowed by the federal Water Quality Act of 1987 for those activities subject to its jurisdiction as specified in the Oklahoma Environmental Quality Act. This rule specifies the process for such receipt and review.

1. The rules would require applications and requests for funding for projects for non point source management programs shall be filed with the Oklahoma Water Resources Board (OWRB) for a preliminary determination of eligibility the OWRB will forward the application to the OCC.
2. The rules would require OCC'S Water Quality Division (OCCWQ) to review the application or request and determine if it meets the minimum criteria set forth in 82 O.S. § 1085.65.
3. The rules would require the Commission to consult with the Executive Director of the Department of Environmental Quality in accordance with 82 O.S. § 1085.65.
4. The rule would require the Commission then to place the proposed project on a list of approved projects upon a determination that the proposed project meets the minimum criteria set forth in 82 O.S. § 1085.65.

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 public entities who qualify for financial assistance from the OWRB are most likely affected by the proposed rules. The same classes affected will bear the costs of the rules. There has been no information about the cost impacts received from any private or public entities.

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

Representatives of the eligible entities who pursue financial assistance from the OWRB will benefit by the proposed amendments because OCC will be implementing a program to provide another funding source for nonpoint source management programs which can may also be used as leverage, such as constituting matching funds, to obtain additional funding from other sources.

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 not be significant except to the extent that by providing another funding mechanism for nonpoint source management programs other persons or political subdivisions that provide grants, loans, or funding for nonpoint source management programs can use their some of these funds for other and/or additional programs and/or priorities.

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 extraordinary costs to the OCC, OWRB or other agencies are anticipated. 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 financial assistance of the OWRB, such political subdivisions who apply for financial assistance will be required to cooperate in completing applications and complying with terms of the financial assistance obtained. There should be no significant economic impact on any political subdivisions.

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 should 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 rule.

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 rule could potentially have a positive effect on the public health, safety and environment by improving the quality of state waters through encouraging nonpoint source management by implementing a funding mechanism for such programs.

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

If the proposed rule is 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 reviewed and approved on October 2, 2007 by:



Dan Butler, Director
Water Quality Division
Oklahoma Conservation Commission

The rule was not subsequently modified.