

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY SUBCHAPTER 11. EUCHA-SPAVINAW MANAGEMENT ACT

(A) **PURPOSE OF THE PROPOSED RULE:**

These emergency rules fulfill the requirements of House Bill 1490 of the 2007 legislative session by promulgating rules to implement the provisions of the Eucha-Spavinaw Management Act. The rules apply to all persons utilizing poultry waste for land application purposes in the Eucha-Spavinaw Watershed. Specifically, these rules incorporate the Eucha-Spavinaw phosphorous index that is currently in use in that watershed into state law and makes the index enforceable by the Department.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

These rules affect any persons utilizing poultry waste for land application purposes in the Eucha-Spavinaw Watershed. The agency has not received any information on cost impacts from any private or public entities.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

The citizens of the state of Oklahoma and persons who utilize poultry waste for land application purposes in the Eucha-Spavinaw watershed will benefit from the proposed rule.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

The citizens of the state of Oklahoma will benefit from the proposed rule through the protection of Oklahoma's water quality. Persons who utilize poultry waste for land application purposes in the Eucha-Spavinaw watershed will also benefit from the proposed rule due to the certainty of what land application standard is required of them.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the agency is anticipated by the promulgation of these rules. However, the parent legislation for these rules, House Bill 1490, does result in additional costs to the agency through inspections, drafting of land application plans, and soil and poultry waste sampling, however, the legislature did not provide additional funding to the agency to offset those costs. The Department is authorized to accept gift or donation of property, including but not limited to monetary gifts, to carry out the provisions of the Eucha-Spavinaw Management Act.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No effect on any political subdivision is anticipated by these rules, however, the City of Tulsa has an interest in these rules.

(G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**

These rules should have no additional adverse impact on small business, other than the impact that House Bill 1490 already has on small business. In some cases, persons may not be able to apply poultry waste to their property, possibly resulting in additional costs.

(H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:**

No less costly or non-regulatory method will provide adequate protection for the state of Oklahoma.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

No adverse effect upon the public health, safety, or the environment will occur through the implementation of these rules.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**

No detrimental effect on public health, safety or the environment is anticipated by the adoption of these rules.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

July 5, 2007

Revised July 9, 2007