

# Understanding the Regulatory Sector









#### **Disclaimer**



The materials presented in this presentation represent the opinions of the presenters and do not reflect the opinions of NOWRA.

### **Objectives**

- What is the difference between a regulation and a statute?
- How are regulations created?
- How are regulations implemented?
- How do regulators work with stakeholders?
- How can you get involved in the process?

#### **Mission Statements**

- Colorado, WQCD Mission Statement: <u>Protect and restore Colorado's water quality for public health, the environment</u>, and future generations
- Oklahoma, DEQ Mission Statement: <u>To protect and improve public health and our environment</u>
- Nebraska, NDEE Mission Statement: <u>To protect and improve human health, the environment</u>, and energy resources.
- Washington, DOH Mission Statement: To protect and improve the health of all people in Washington state.



#### **Mission Statements**

How are the mission statements implemented?

- Through rule and regulation
- Customer Service and outreach
- Together

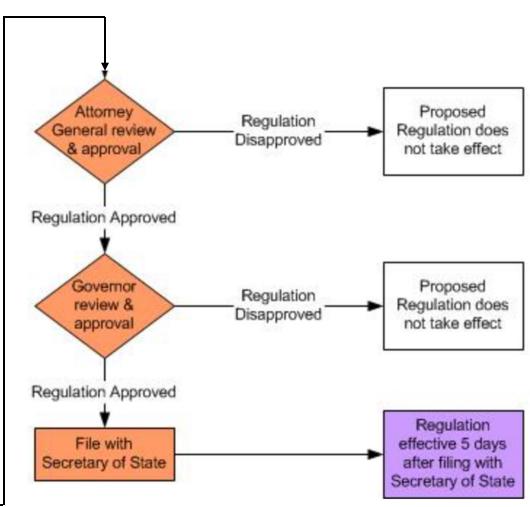


### **Statute vs Regulation**

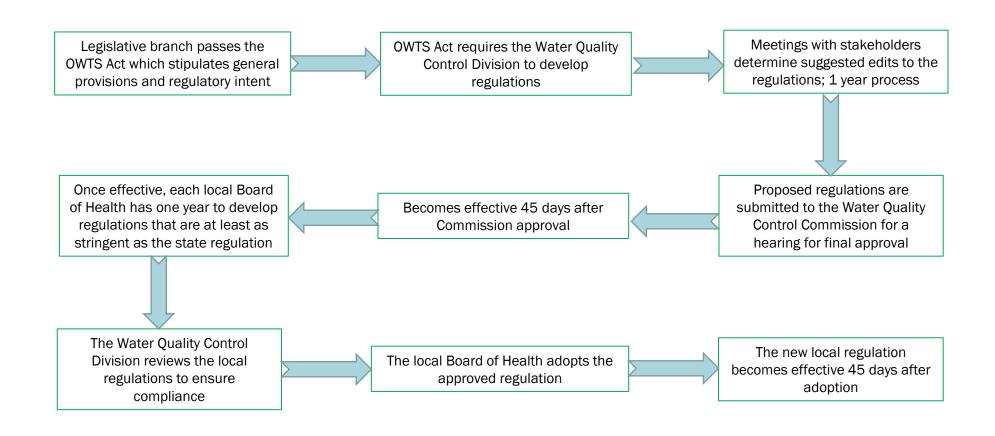
- Statute- A Law enacted by a Legislative Branch of Government (Merriam Webster)
- Regulations- A rule or order issued by an executive authority or regulatory agency of a government and having the force of law (Merriam Webster)
- Statutes typically identify the parameters of a regulation
- Regulations are typically much easier to change than statutes

#### Potential Sources of Ideas Attorney General Court Federal NDEQ decides to EQC Decision Gavernmen develop or amend regulation Regulated Community NDEQ Legislature Governor NDEQ develops draft proposal and Regulation proposed by seeks public input Rulemaking petition See Title 115, Chapter 10 NDEQ proposes Environmental **Quality Council** regulation for adoption by EQC (EQC) Minimum 30 days public notice No Environmental Proposed Regulation Quality Council holds Regulation does Not Adopted public hearing not take effect Regulation Adopted

#### Nebraska Regulatory Process



#### **Colorado Regulatory Process**

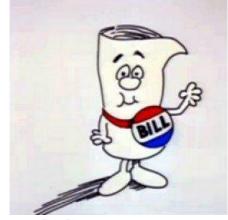


Existing Rules are reviewed by Stakeholders

New Rules become effective as approved by Legislative body or similar group



Items are identified for revision or removal



This Photo
CC BY-NC-ND



Approved draft rules sent to Legislative body for adoption



Stakeholders provide comments on draft rules



Draft rules brought before Board or similar group

## Oklahoma Regulatory Process

#### **Washington Regulatory Process**

#### Rulemaking decision

Legislation
Secretary of Health/State
Board of Health\*
Petition



#### Notification of intent to do rulemaking

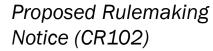
Pre-notice Statement of Inquiry (CR101)

- Description of subject and impacted rules
- Reason for proposed change
- How interested parties can participate in rulemaking

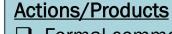
Actions/Products

- Collaborative rulemaking
- □ Draft rule language
- ☐ Cost benefit analysis

Proposition of rule changes and opportunity to provide formal input



- Brief description of the rule change
- Proposed rule text
- Timeline for providing comments



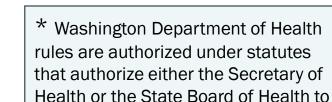
- □ Formal comments
- ☐ Response to comments
- ☐ Secretary/State Board of Health approval
- ☐ Final rule text



#### **Adoption of Final Rule**

Rulemaking Order (CR103)

- Brief description of the rule change
- Final rule text
- Effective date of the rule



make rules.



## **Regulation Implementation**

Varies from state to state

- Nebraska
- Colorado
- Oklahoma
- Washington

## **Developing Trust and Collaboration**

- We all try to approach conversations and meetings with "we" mindset, not "us and them" mindset.
- We're on the same side, we all want installations that will provide system longevity while protecting health and the environment
- We have to treat everyone the same: We look for consistent application of the regulation, what allowances does the regulation provide
- Regulations may not include specific language for new technologies, doesn't mean innovative technologies can't be used. Approval process varies from state to state.

### Adapting to meet needs

- Often regulations must be developed to meet a variety of site conditions, and must be applicable on a state-wide or regional basis
- Colorado's regulations include "opt-in" provisions for larger local agencies to implement programs that smaller agencies may choose not to adopt
- What have we done to try to make things easier for our stakeholders/regulated community?

#### **Getting Involved**

- Advantages for both regulators and practitioners to be involved in state and national organizations
- Education can flow both ways
- Relationship development
- Understanding the issues that each sector is dealing with
- Outreach is vital to the overall development of regulatory programs
- SORA, NOWRA, and other organizations.



#### Conclusions

- Statutes and regulations work together to provide scope and authority, as well as requirements for the regulated community.
- Each state has its own processes, but there are many similarities in how regulations are created.
- Implementation of regulation varies by state.
- Education and outreach are key for all sides.
- Your involvement helps create better regulations and a more effective regulatory environment.



#### **Questions?**

Tricia Scott, Program Specialist Nebraska Department of Environment and Energy 402-471-4372

Tricia.scott@nebraska.gov

Chuck Cousino, REHS, OWTS Coordinator Colorado Department of Public Health and Environment 303-692-2366

Chuck.cousino@state.co.us

Nicholas Huber, Group Manager Oklahoma Department of Environmental Quality 405-702-6188

Nicholas.huber@deq.ok.gov



Kambridge Stephens, Program Manager Oklahoma Department of Environmental Quality 405-569-5447

Kambridge.stephens@deq.ok.gov

Jeremy Simmons, Wastewater Section Manager Washington State Department of Health 360-236-3346

<u>Jeremy.simmons@doh.wa.gov</u>