

OKLAHOMA CONSERVATION COMMISSION

Administrative Rules Report | Executive Order 2020-03

Comprehensive Review of Administrative Rules as of July 15, 2020

Report Submitted by: Trey Lam

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Method Used to Conduct Review: (Description)

The Oklahoma Conservation Commission (Commission) is a non-regulatory agency of the state. Our rules tend to clarify statutory provisions for the Reclamation Program under the federal SMCRA of 1977, a program that helps reclaim abandoned coal mines in Oklahoma; clarify the coordination of our voluntary programs: cost-share program, clean water projects, carbon sequestration program, and the conservation of our natural resources. The Commission reviewed their statutes and rules to see if the rules had any duplicative language. None were found. **Outdated.** Each division looked to see if the rules need to be updated to meet today's ever-changing world but before the rules can be updated the statutory language would also have to be changed. Each proper division looked at each rule and discussed if the rule was effective or ineffective. The Commission did not find any ineffective rules. The Commission reviewed many of our rules set out a process for producers, companies, agencies, and individuals to apply for monies from the Commission. The rules that our rules do that. In the areas where we have established fees, these fees are to help with the administration of voluntary programs. Our goal is to have rules that are effective and fair. The Commission has not raised any fees in our voluntary programs since 2010. The Commission did not find any duplicative language. The Commission did not find any unnecessary, costly, ineffective, duplicative or outdated regulations.

TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS: 2

These 2 rules are outdated. To update these rules, OAC 155:10-1-5 and 155:10-1-12, the Commission will need to make changes to statutes first.

Title 155 Oklahoma Conservation Commission

Chapter 1 - Operation of the Commission

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
1-1-1	Purpose	Prior to 1991 Codification	4/25/09	No	No	No	N/A
1-1-2	Revoked 4/25/2009						
1-1-3	Appointment and tenure of members	Prior to 1991 Codification	4/25/09	No	No	No	N/A

1-1-4	Qualifications of Commission members	Prior to 1991 Codification	4/25/09	No	No	No	N/A
1-1-5	Commission Meetings	Prior to 1991 Codification	4/25/09	No	No	No	N/A
1-1-6	Revoked 4/25/2009						
1-1-7	Revoked 4/25/2009						
1-1-8	Revoked 4/25/2009						
1-1-9	Revoked 4/25/2009						
1-1-10	Commission Operations	Prior to 1991 Codification	4/25/09	No	No	No	N/A
1-1-11	Revoked 4/25/2009						
1-1-12	Revoked 4/25/2009						
1-1-13	Revoked 4/25/2009						
1-1-14	Revoked 4/25/2009						

Title 155 Oklahoma Conservation Commission

Chapter 10 - Conservation Districts

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
10-1-1	Purpose	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-2	Revoked 4/25/2009						
10-1-3	Revoked 4/25/2009						
10-1-4	Revoked 4/25/2009						
10-1-5	Elected Directors; election procedures	Prior to 1991 Codification	4/25/09	Somewhat	No	No	N/A
10-1-6	Appointed Directors	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-7	Revoked 4/25/2009						
10-1-8	Requirements for District Employment	Prior to 1991 Codification	4/25/09	No	No	No	N/A

10-1-9	Revoked 4/25/2009						
10-1-10	Public inspection of district records; Maintenance of Records	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-11	Conservation District Board of Directors Meetings	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-12	Annual audit	Prior to 1991 Codification	4/25/09	Yes	No	No	N/A
10-1-13	Revoked 4/25/2009						
10-1-14	Revoked 4/25/2009						
10-1-15	Eminent domain	Prior to 1991 Codification	N/A	No	No	No	N/A
10-1-16	Revoked 4/25/2009						
10-1-17	Revoked 4/25/2009						
10-1-18	Revoked 4/25/2009						
10-1-19	Annual report	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-20	Resource Conservation Program	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-21	Zoning ordinances	Prior to 1991 Codification	4/25/09	No	No	No	N/A
10-1-22	Small watershed flood control fund	Prior to 1991 Codification	N/A	No	No	No	N/A

Title 155 Oklahoma Conservation Commission

Chapter 15 - Oklahoma's Abandoned Mine Land Reclamation Program

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
15-1-1	Purpose	Prior to 1991 Codification	N/A	No	No	No	N/A
15-1-2	Definitions	Prior to 1991 Codification	8/2/10	No	No	No	N/A

15-1-3	Responsibilities	Prior to 1991 Codification	9/11/95	No	No	No	N/A
15-1-4	Oklahoma Abandoned Mine Land Reclamation Funds	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-5	Eligible lands and water	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-6	Reclamation objectives and priorities	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-6.1	Water supply restoration	8/2/10	N/A	No	No	No	N/A
15-1-7	Reclamation project evaluation	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-7.1	Rights of entry	8/2/10	N/A	No	No	No	N/A
15-1-8	Reclamation on private lands	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-9	Acquisition of land and water for reclamation	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-10	Procedures for acquisition	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-11	Acceptance of gifts of land	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-12	Management of acquired lands	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-13	Disposition of lands	Prior to 1991 Codification	8/2/10	No	No	No	N/A
15-1-14	Revoked 8/2/2010						
15-1-15	Future set-aside	9/11/95	N/A	No	No	No	N/A
15-1-16	Acid mine drainage treatment and abatement	9/11/95	8/2/10	No	No	No	N/A

Title 155 Oklahoma Conservation Commission
Chapter 20 - Conservation Cost-Share Program

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
20-1-1	Purpose	8/12/98	6/1/99	No	No	No	N/A
20-1-2	Definitions	8/12/98	6/1/99	No	No	No	N/A
20-1-3	Responsibilities	8/12/98	4/25/09	No	No	No	N/A
20-1-4	Administration of funds	8/12/98	4/25/09	No	No	No	N/A
20-1-5	Eligibility for Conservation Cost-Share Program	8/12/98	9/12/14	No	No	No	N/A
20-1-6	Revoked 4/25/2009						
20-1-7	Revoked 4/25/2009						
20-1-8	Revoked 4/25/2009						
20-1-9	Revoked 4/25/2009						
20-1-10	Revoked 4/25/2009						

Title 155 Oklahoma Conservation Commission

Chapter 25 - Clean Water State Revolving Fund Program

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
25-1-1	Purpose	8/8/07	5/11/08	No	No	No	N/A
25-1-2	Receiving and Reviewing Applications	8/8/07	5/11/08	No	No	No	N/A

Title 155 Oklahoma Conservation Commission

Chapter 30 - Oklahoma Carbon Sequestration Certification Program

Subchapter 1 - General Provisions

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-1-1	Purpose and authority	7/1/09	N/A	No	No	No	N/A
30-1-2	Definitions	7/1/09	N/A	No	No	No	N/A
30-1-3	Applicability	7/1/09	N/A	No	No	No	N/A
30-1-4	Informal complaint process	7/1/09	N/A	No	No	No	N/A

Subchapter 3 - Verification of Carbon Offsets

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
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30-3-1	Approval process for applications for carbon offset verification	7/1/09	N/A	No	No	No	N/A
30-3-2	Applications for carbon offset verification	7/1/09	N/A	No	No	No	N/A
30-3-3	Commission action on applications for carbon offset verification	7/1/09	N/A	No	No	No	N/A
30-3-4	Verification	7/1/09	N/A	No	No	No	N/A
30-3-5	Restrictions on certification	7/1/09	N/A	No	No	No	N/A

Subchapter 5 - Aggregators and Verifiers

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-5-1	Approval process for aggregator and verifier applications	7/1/09	N/A	No	No	No	N/A
30-5-2	Applications for aggregators and verifiers	7/1/09	N/A	No	No	No	N/A
30-5-3	Commission action on applications for aggregators and verifiers	7/1/09	N/A	No	No	No	N/A
30-5-4	Performance criteria for state approved verifiers	7/1/09	N/A	No	No	No	N/A
30-5-5	Performance criteria for state approved aggregators	7/1/09	N/A	No	No	No	N/A

Subchapter 7 - Carbon Offset Registry

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-7-1	Applications for carbon offset registration	7/1/09	N/A	No	No	No	N/A
30-7-2	Commission action on applications for carbon offset registration	7/1/09	N/A	No	No	No	N/A
30-7-3	Carbon offset registry	7/1/09	N/A	No	No	No	N/A

Subchapter 9 - Soil Carbon Sequestration

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-9-1	Filing of applications for soil carbon offset verification	7/1/09	N/A	No	No	No	N/A
30-9-2	Fees	7/1/09	N/A	No	No	No	N/A
30-9-3	Soil carbon offset verification application requirements	7/1/09	N/A	No	No	No	N/A
30-9-4	Commission action on soil carbon offset verification applications	7/1/09	N/A	No	No	No	N/A
30-9-5	Soil carbon offsets eligible for verification	7/1/09	N/A	No	No	No	N/A

Subchapter 11 - Forest Carbon Sequestration

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-11-1	Filing of applications for forest carbon offset verification	7/1/09	N/A	No	No	No	N/A
30-11-2	Fees	7/1/09	N/A	No	No	No	N/A
30-11-3	Forest carbon offset verification application requirements	7/1/09	N/A	No	No	No	N/A
30-11-4	Commission action on forest carbon offset applications	7/1/09	N/A	No	No	No	N/A
30-11-5	Forest carbon offsets eligible for verification	7/1/09	N/A	No	No	No	N/A

Subchapter 13 - Geologic Carbon Sequestration

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
30-13-1	Filing of applications for geologic carbon sequestration verification	7/1/09	N/A	No	No	No	N/A
30-13-2	Fees	7/1/09	N/A	No	No	No	N/A

30-13-3	Geologic sequestration application requirements	7/1/09	N/A	No	No	No	N/A
30-13-4	Commission action on applications for geologic carbon sequestration verification	7/1/09	N/A	No	No	No	N/A
30-13-5	Geologic carbon sequestration projects eligible for verification	7/1/09	N/A	No	No	No	N/A

Title 155 Oklahoma Conservation Commission

Chapter 35 - Coordination of Oklahoma's Geographic Information

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
35-1-1	Purpose	4/25/09	N/A	No	No	No	N/A
35-1-2	Definitions	4/25/09	N/A	No	No	No	N/A
35-1-3	State Geographic Information Council, Geographic Information Revolving Fund and Office of Geographic Information	4/25/09	N/A	No	No	No	N/A
35-1-4	Pollution complaint reporting system	4/25/09	N/A	No	No	No	N/A

Title 155 Oklahoma Conservation Commission

Chapter 40 - Water Quality Programs

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
40-1-1	Purpose	5/11/09	N/A	No	No	No	N/A
40-1-2	Definitions	5/11/09	N/A	No	No	No	N/A
40-1-3	Water Quality Standards Implementation Plan	5/11/09	N/A	No	No	No	N/A
40-1-4	Nonpoint Source Management Plan	5/11/09	N/A	No	No	No	N/A

40-1-5	Blue Thumb Program	5/11/09	N/A	No	No	No	N/A
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Title 155 Oklahoma Conservation Commission

Chapter 45 - Controlled Burn Indemnity Fund

Subchapter 1 - General Provisions

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
45-1-1	Purpose and authority	8/2/10	N/A	No	No	No	N/A
45-1-2	Program Intent	8/2/10	N/A	No	No	No	N/A
45-1-3	Definitions	8/2/10	N/A	No	No	No	N/A
45-1-4	Informal complaint process	8/2/10	N/A	No	No	No	N/A

Subchapter 3 - Pre-Qualifying Application Process

45-3-1	Application	8/2/10	N/A	No	No	No	N/A
45-3-2	Commission action on application	8/2/10	N/A	No	No	No	N/A

Subchapter 5 - Claims Process

Section	Title	Date Created	Date Last Amended	Costly	Ineffective	Duplicate	Location of Duplication
45-5-1	Qualification for claim coverage	8/2/10	N/A	No	No	No	N/A
45-5-2	Claims	8/2/10	N/A	No	No	No	N/A
45-5-3	Filing period	8/2/10	N/A	No	No	No	N/A
45-5-4	Eligible losses	8/2/10	N/A	No	No	No	N/A
45-5-5	Non-eligible losses	8/2/10	N/A	No	No	No	N/A
45-5-6	Commission action on claims	8/2/10	N/A	No	No	No	N/A
45-5-7	Withholding payment	8/2/10	N/A	No	No	No	N/A

END OF REPORT

for Commission and conservation district operations; the implementation of the Oklahoma Abandoned Mine Land reclamation of the State's Geographical Information; refines the Commission's roles in the WQSIP and non-point source controlled burn coverage program. The method for evaluating these rules were as follows: **Duplicative**. Each division the rules were outdated and if they needed to be revoked or revised. In this process administration noted that two (2) rules were outdated and updated. The divisions did not find any rule that was outdated at this time. **Ineffective**. The administration and the Commission periodically reviews its rules and has revoked ineffective rules in the past. **Costly**. As a non-regulatory Commission's goal is to have rules that are easy to read and to make the process as simple and easy as possible. We feel goal is to minimize costs where we can and to get conservation practices on the ground. Upon review of our few fees in the our rules were promulgated.

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this chapter
N/A	Yes	Designates the conservation districts in each of the five (5) Commission areas. The statutes only set the areas by county. Clarification was needed for Districts that have jurisdictions that span across more than 1 county . 27A O.S. §3-2-101

N/A	Yes	This rule clarifies eligibility requirements set out in statute at 27A O.S. §3-2-101
N/A	Yes	Only place in rules and statute that clarifies that the Commission shall meet monthly and in compliance with the Open Meeting Act
N/A	Yes	Clarifies office hours, location, and days of the week the Commission is open as well as availability to inspect records pursuant to Oklahoma Open Records Act

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this chapter
Yes	Yes	There is some need to review the notification requirement and the election process. Oklahoma is losing many of its local newspapers causing hardships for some Districts on figuring out where to publish notices. Also the cost to publish can be costly to some of the districts. The Commission plans to research this area further and may recommend changes <u>both to statute and rules</u>
N/A	Yes	Sets out and clarifies the eligibility and requirements for appointed district directors
N/A	Yes	This rule clarifies procedures for the hiring of at-will employees for districts

N/A	Yes	This rule explains to Districts where their government records need to be kept and that they are subject to the Oklahoma Open Records Act
N/A	Yes	This rule sets out district meeting requirements
Yes	Yes	Rule sets out auditing requirements; clarifies statutory requirements. The audit process that we have in place now is expensive for the Districts. The Commission is currently exploring different auditing options that will reduce cost and provide the protection needed for the Districts
N/A	Yes	Provides guidance on when to implement eminent domain
N/A	Yes	Requires districts to submit an annual report to the Commission. This is used for fiscal and budgeting purposes
N/A	Yes	Requires districts to prepare long range plans. These have become even more important statewide in regards to state and district appropriations/funding
N/A	Yes	Guidance to districts on implementation of conservation programs in zoned areas; request assistance from USDA-NRCS
N/A	Yes	Guidance to Districts on the application, use, and repayments of monies from this fund

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this chapter
N/A	Yes	Provides definitions in compliance with SMCRA 1977 as amended, Federal Assistance Manual, State Statute and/or State Abandoned Mine Land Reclamation Plan

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this chapter
N/A	Yes	Provides definitions used in this voluntary program
N/A	Yes	Outlines responsibilities for the Commission and conservation districts
N/A	Yes	Provides guidance on how funds can be allocated for this program
N/A	Yes	Details eligibility requirements for those wishing to participate

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement outlining the authority for the rules in this chapter
N/A	Yes	Sets out the process for receiving and reviewing applications to determine if project is eligible

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose and authority statement for the rules in this subchapter
N/A	Yes	Provides definitions used in this voluntary program
N/A	Yes	Explains to whom the rules apply
N/A	Yes	Sets out a complaint process for any dissatisfied person

Outdated / Unnecessary	Necessary	Explanation of determined category
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N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This verification rule is vital to this program's success
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Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This aggregators and verifiers rule is vital to this program's success
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Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This carbon offset rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This carbon offset rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This carbon offset rule is vital to this program's success

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This soil carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This soil carbon fee rule is fair & vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This soil carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This soil carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This soil carbon sequestration rule is vital to this program's success

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This forest carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This forest carbon fee rule is fair & vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This forest carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This forest carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This forest carbon sequestration rule is vital to this program's success

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This geologic carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This geologic carbon fee rule is fair & vital to this program's success

N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This geologic carbon sequestration rule is vital to this program's success
N/A	Yes	Carbon sequestration is a program that applies at irregular intervals with willing participants. This geologic carbon sequestration rule is vital to this program's success
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Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose and authority statement for the coordination of the state's GIS information
N/A	Yes	Provides definitions used in these rules
N/A	Yes	Provides some history, goals, and actions for GIS
N/A	Yes	Clarifies that the Commission shall coordinate with other agencies to develop and maintain a pollution complaint reporting system

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this chapter
N/A	Yes	Provides definitions used in these rules
N/A	Yes	Clarifies and adopts the WQSIP per statutory guidance (Subsection B of Section 1-1-202 of Title 27A of the Oklahoma Statutes) and how often it shall be reviewed
N/A	Yes	Refines nonpoint source management plan responsibilities and implementation per Oklahoma Statutes §27A-1-3-101, Subsection F

N/A	Yes	Per Oklahoma Statutes, §27A-1-3-101, Subsection F, this rule clarifies programmatic policies of the Commission's Water Quality Division's NPS Education and Outreach Program formally referred to as the Blue Thumb Program
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Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	It is a short purpose statement for the rules in this subchapter
N/A	Yes	Clarifies the intent of the rules and to not preclude lawful burns pursuant to 2 O.S. §§ 16-24.1 and 16-28.1. This fund established in statute has never been funded.
N/A	Yes	Provides definitions used in these rules
N/A	Yes	Sets out a complaint process

N/A	Yes	Lays out who can apply, the application process, and fees
N/A	Yes	Details the Commission's actions on review of an application

Outdated / Unnecessary	Necessary	Explanation of determined category
N/A	Yes	States what the applicant must do when they burn to qualify for coverage
N/A	Yes	Sets out the information needed on the claim form
N/A	Yes	States the time periods to file, extension requests, and how to withdraw a claim
N/A	Yes	Details out eligible losses under this program for claims
N/A	Yes	Details out non-eligible losses under this program for claims
N/A	Yes	Provides guidance on the Commission's responsibilities for submitted claims
N/A	Yes	Sets out reasons that the Commission may withhold a payment