

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 3. Beneficial Uses and Criteria to Protect Uses

785:45-5-12. Fish and Wildlife Propagation [AMENDED]

785:45-5-21. Wetland Beneficial Uses and Criteria [NEW]

Part 5. Special Provisions

785:45-5-26. Mixing zones and zones of passage [AMENDED]

785:45-5-30. Other Provisions [NEW]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 1. [REVOKED]

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Appendix E. Requirements For Development of Site-Specific Criteria For Certain Parameters [REVOKED]

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SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

Several amendments are proposed to clarify language associated with dissolved oxygen criteria. The amendments proposed include striking the use support assessment language found in OAC 785:45-5-12(f)(1)(D), modifying OAC 785:45-5-12(f)(1)(C) to include (i) and (ii) which will retain the provisions that pertain to acute dissolved oxygen events, and revoking and reenacting Table 1 of Appendix G with two additional footnotes clarifying how the 10% exceedance frequency is to be used and specifying where the WWAC dissolved oxygen criteria apply in lakes. The circumstances which created the need for this amendment are potential confusion caused by having use support assessment language duplicated from OAC 785:46, and the need for clarification as to how and where components of the criteria are applied. The intended effect of this amendment is to eliminate possible ambiguity that may cause problems in the use support assessment process.

Several amendments are proposed regarding the development water quality standards applicable to wetland waterbodies. OAC 785:45-1-2 is proposed to be amended to include definitions for the terms "Wetland" and "Ecological Integrity". A new subsection (OAC 785:45-5-21. Wetland Beneficial Uses and Criteria) is proposed and will contain beneficial uses and criteria applicable to wetland waterbodies. OAC 785:45-5-26 is proposed to be amended to add a mixing zone provision specific for wetland waterbodies. A new subsection (OAC 785:45-5-30. Additional Provisions) is proposed and will add provisions found in other state and federal statutes related to water quality standards. This addition will ensure consistency between these other statutes and water quality standards. The circumstances which created the need for these amendments are that currently the default beneficial uses and criteria apply to wetland waterbodies. The default water quality standards were developed for streams and lakes and in

many cases are not suitable for wetlands and are sometimes overly stringent when applied to wetlands. The intended effects of these amendments are to provide scientifically sound water quality standards applicable to Oklahoma's wetland waterbodies.

Appendix E, Requirements For Development of Site-Specific Criteria For Certain Parameters, is proposed to be revoked and reenacted with the addition of a site specific Water Effect Ratio and Dissolved Translator standards for use in calculating permit limits for copper and zinc for the Broken Bow Public Works Authority's OPDES permit related to discharge of municipal and industrial wastewater to a tributary of Yanubbe Creek. The circumstance which created the need for this amendment was that the facility has not consistently achieved concentration limits for certain metals. The intended effect of this amendment is to provide more achievable criteria for copper and zinc that is demonstrated to provide an equivalent level of water quality protection as the statewide criteria.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

PUBLIC HEARING:

A public hearing will be held January 20, 2015 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2014 through January 20, 2015, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jason Childress at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

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