

**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 7. Groundwater Quality Standards [AMENDED]

785:45-7-1. Scope and Applicability; purpose [AMENDED]

785:45-7-2. ~~Criteria for groundwater protection and corrective actions~~Groundwater Quality Antidegradation Policy [AMENDED]

785:45-7-3. Groundwater Classifications, beneficial uses and vulnerability levels [AMENDED]

785:45-7-4. Criteria for Groundwater Quality Protection [NEW]

785:45-7-5. Corrective Action [NEW]

SUMMARY:

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

Create new definitions for Aquifer Storage and Recovery Activities ("ASR") and Artificial Aquifer Recharge ("AR") in the definitions section at OAC 785:45-1-2.

Articulate and clarify the state's groundwater quality protection policy in OAC 785:45-7-2, to ensure protection of all beneficial uses, existing water quality, and apply specific protections to Oklahoma's special source groundwaters. Amendments to groundwater classifications, beneficial uses, and vulnerability levels (OAC 785:45-7-3) delete all language associated with Class I groundwaters, create a new domestic untreated water supply beneficial use, and create more uniform classification language.

The OWRB is proposing to add provisions to OAC 785:45 as follows:

A new criteria section (785:45-7-4) delineates provisions for naturally occurring background conditions, creates new narrative criteria for the protection of all groundwaters, creates new narrative protections for groundwaters with drinking water beneficial uses, creates new numeric criteria for the protection of groundwaters with a drinking water beneficial uses applicable to ASR and AR projects, and clarifies the potential for impairments to groundwater quality caused by surface water activities. Finally, a corrective action section (785:45-7-5) has been created, but only contains existing language that was previously contained in another section.

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 Blvd., Oklahoma City, Oklahoma 73118 no later than the close of the public

hearing held by the OWRB on January 17, 2017.

PUBLIC HEARING:

A public hearing will be held January 17, 2017 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 Blvd., 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 15, 2016 through January 17, 2017, 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 Monty Porter at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 12:00 P.M. on January 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen Blvd., 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 Blvd., Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Monty Porter, Water Quality Standards Section Head, 405/530-8800.