TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 5. FEES

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Section 785:5-1-1. Purpose [AMENDED]
Section 785:5-1-2. Definitions [AMENDED]
Section 785:5-1-3. Board to charge and collect fees [AMENDED]
Section 785:5-1-6. Stream water permit application and administration fees [AMENDED]
Section 785:5-1-7. Watercourse reclamation permit fee [REVOKED]
Section 785:5-1-10. Groundwater application and administration fees [AMENDED]
Section 785:5-1-14. Stream Water and Groundwater petition fees [AMENDED]
Section 785:5-1-15. Fees for reproduction, maps and publications [AMENDED]
Section 785:5-1-16. Fees required in other matters [AMENDED]
Section 785:5-1-17. Loan application fees [AMENDED]
Section 785:5-1-19. Request for Water Quality Standards site specific criteria fee [NEW]
Section 785:5-1-20. Aquifer storage and recovery permit fees [NEW]

SUMMARY:

Staff proposes to recommend that the Oklahoma Water Resources Board ("Board") amend 785:5-1-1, 785:5-1-2, and 785:5-1-3 to remove unnecessary definitions and outdated statutory references.

A recommendation is also proposed relating to stream water permit applications and administration (785:5-1-6) by increasing the existing amounts for each category of fee. The circumstances creating the need for the proposed amendments include the need to generate additional revenues to maintain current level of effort to implement the program and process applications in an efficient manner.

A recommendation is proposed to revoke the fee for a watercourse reclamation permit (785:5-1-7). While it is still necessary to obtain Board approval to reclaim water from a watercourse, this approval may be granted as part of a permit to use stream water; therefore, a separate fee is not necessary.

A recommendation is also proposed to amend the rule on fees for groundwater application and administration (785:5-1-10) to increase amounts for each category of fee. The circumstance creating the need for the proposed amendments include the need to generate additional revenues to maintain current level of effort to implement the program to continue and process applications in an efficient manner.

A recommendation is also proposed to amend the rule on fees for stream water and groundwater petition fees (785:5-1-14) to increase each category of fee. The circumstances creating the need for the proposed amendments include the need to generate additional revenues to maintain current level of effort to implement the program and to continue to process petitions to amend water rights in an efficient manner.

A recommendation is also proposed to amend 785:5-1-15 and 785:5-1-16 to update statutory references and to update the sections relating to the copying and transmittal of agency audio recordings. The amendments to these rules do not increase any fee and revoke fees that no longer reflect the operations of the agency.

A recommendation is also proposed to amend the fees for loan applications (785:5-1-17). The amendments do not increase the current schedule of fees, but sets the current fee schedule as the maximum that may be charged.

A recommendation is also proposed to add a fee for requests for Water Quality Standards site specific criteria. The process of reviewing requests for site specific criteria involves significant staff time as well as adding the approved site specific criteria to the Oklahoma Water Quality Standards. The fee reflects the average amount of staff time spent reviewing and processing a site specific criteria.

A recommendation is also proposed to add a filing and application fee for aquifer storage and recovery permits. Aquifer storage and recovery is a new Board program specifically authorized by Title 82, Section 1020.2A of the Oklahoma Statutes. The fee will be based on the estimated staff time necessary to process and review documents submitted to support the application, perform any necessary inspections, and to provide the opportunity for notice and a hearing.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 1085.4.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so to Sara Gibson at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to Sara.Gibson@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 16, 2018.

PUBLIC HEARING:

A public hearing will be held January 16, 2018 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, 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 Chris Neel at 3800 North Classen, Oklahoma City, Oklahoma before the close of the comment period.

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 rules 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:

Sara Gibson, Deputy General Counsel, 405-530-8800 or Sara.Gibson@owrb.ok.gov.