

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 25. DAMS AND RESERVOIRS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 785:25-1-3. Violations and penalties [AMENDED]
- Subchapter 3. Responsibility, Classification and Design Standards
- 785:25-3-2. Owner's responsibility [AMENDED]
- 785:25-3-6. Minimum spillways performance standards [AMENDED]
- Subchapter 5. Applications and Approval of Construction
- 785:25-5-4. Additional report information [AMENDED]
- Subchapter 7. Post Approval Actions
- 785:25-7-7. Emergency action plans [AMENDED]
- Subchapter 9. Actions after Construction
- 785:25-9-1. Inspections of dams [AMENDED]
- 785:25-9-3. Correction of deficiencies (not creating imminent peril) [AMENDED]
- 785:25-9-5. Correction of deficiencies creating imminent peril [AMENDED]
- Appendix A. Jurisdiction of Board by Size and Hazard Classification [REVOKED]
- Appendix A. Jurisdiction of Board by Size and Hazard Classification [NEW]
- Appendix B. Minimum Spillway Performance Standards [NEW]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:25 as follows:

OAC 785:25-3-6(d) is proposed to be amended by replacing a reference to an older hydrometeorological study (HMR No. 51, National Weather Service, 1978) that was previously used in determining design floods for dams in Oklahoma with a reference to a newer, regional study for probable maximum precipitation in Oklahoma. The proposed change also provides reference to an updated version of OWRB guidelines for acceptable methods to be used for the determination of the design flood.

OAC 785:25-9-1 is proposed to be amended to clarify the requirements for the inspection of dams. Several minor amendments are proposed to move language from their current sub-sections to more appropriate sub-sections based on their content. The review of Emergency Action Plans and operations manuals was moved from sub-section *(b) Periodic inspections* to a new sub-section *(g) Minimum standards*. The proposed changes clarify the required scheduling of periodic inspections and the training and experience requirements for dam inspectors. The time requirement for the submittal of inspection reports after the inspection has been completed was moved from sub-section *(c) Expense of periodic inspections* to sub-section *(g) Minimum requirements*.

Other amendments are proposed to correct spelling or grammatical errors and to improve clarity.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 110.1 and following; 82 O.S. § 105.20 and 105.27.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so to Chrystal Krittenbrink at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to chrystal.krittenbrink@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 21, 2020.

PUBLIC HEARING:

A public hearing will be held January 21, 2020 during the monthly meeting of the Board 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, 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the Board, 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 Chrystal Krittenbrink 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 Board'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 Board 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:

Chrystal Krittenbrink, Legal Secretary, 405-530-8800 or chrystal.krittenbrink@owrb.ok.gov.

