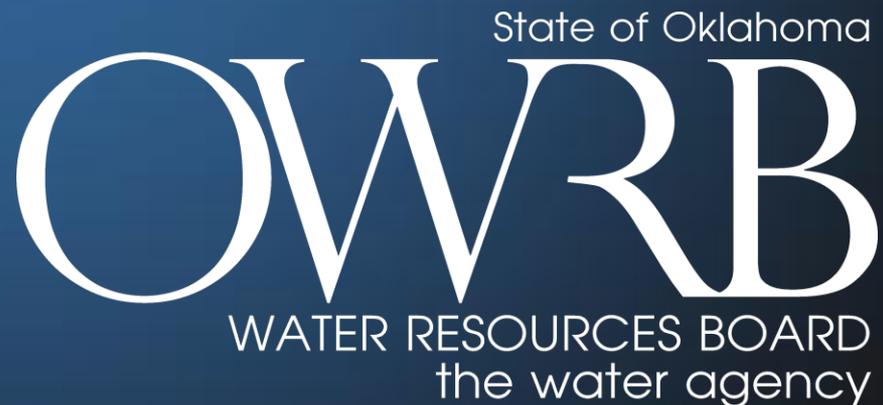


Proposed Revisions to Oklahoma Water Quality Standards

2012-2013 Triennial Revision

October 16th, 2012
Board Meeting



The Presentation Today Will:

1. Give a quick overview of what WQS are.
2. Touch briefly on the issues associated with this rulemaking.
3. Go over the process.

Overview of Water Quality Standards

Statutes and Administrative Rules Affecting Water Quality Standards

- Federal Law
 - Clean Water Act (CWA) 303(a)
- Federal Regulation
 - CFR Title 40 Part 131
- State Law
 - Title 82
 - Title 27 (A)
- State Regulation
 - OAC 785:45
 - OAC 785:46

What are Water Quality Standards?

- WQS are a set of rules (or laws) adopted by states in accordance with the Clean Water Act and other federal regulations
 - *“Maintain and improve the chemical, physical and biological integrity of the nation’s waters”*
- 303(a) of the CWA grants states (or federally recognized tribes) the authority to set water quality standards for contaminants in surface waters

How do WQS work?

- WQS have three basic components:
 - Beneficial uses
(Fishery Uses, Body Contact Uses, Aesthetics, etc.)
 - Criteria to protect beneficial uses
(Numeric and Narrative)
 - Anti-degradation policies
(Maintain Beneficial Uses, HQWs and ORWs)
- And Implementation - How the WQS are actually used in water quality management

Water Quality Standards (WQS) Triennial Review

- Under the Federal Clean Water Act, 303(c)(1), all States and Tribes are required to periodically conduct a comprehensive review of their surface water quality standards and modify, if appropriate.
 - known as “Triennial Review” because States must conduct a review at least once every three years

Proposed Topics for Revision

Human Health Criteria Updates

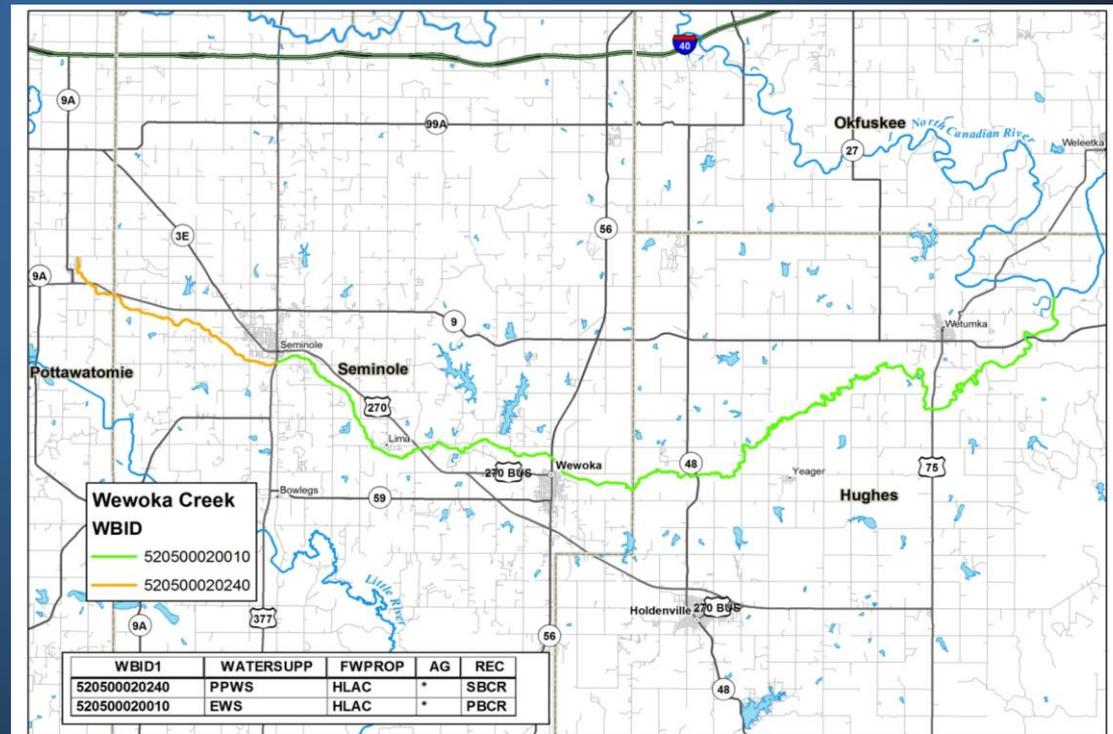
- OWRB is proposing to revise &/or add criteria for 25 pollutants to protect human health, based on EPA recommendations
- Last comprehensive update in 1990
- New information on exposure necessitates revisions
 - Oklahoma's existing criteria are based on the old fish consumption rate (6.5 g/day), which is below EPA's national minimum of 17.5 g/day
 - New science on BCFs and cancer potency slope factors

Beneficial Use Designation Updates

A CWA review of all waterbodies that are designated less than “fishable or swimmable”

- (112 reviewed, 14 had good data, 3 indicated a change)

- Canadian River
 - From SBCR to PBCR
- Rush Creek
 - From HLAC to WWAC
- Wewoka Creek
 - From HLAC to WWAC



Appendix A Updates

- Editorial changes to the naming of some lakes
 - Part of an effort of OWRB GIS staff to standardize waterbody naming among all OWRB publications
 - Follows recognized federal system
- Updates to Waterbody Identification (WBID) numbers
 - Have worked closely with the ODEQ
 - Updated based on new and better information

Removal of Numeric Criteria for Color

- In the 2009 OWQS revision, the applicability of the color numerical criterion was limited to only permit development
 - Not a valid or useful criteria for ambient waters
 - Originally adopted in 1959
- EPA responded that this was not appropriate
- Propose to completely remove numeric criteria

Regulatory Flows for the Agricultural Beneficial Use

- Based on the 1997-1998 revisions, there are limited circumstances where implementation of the criteria for the Agricultural beneficial use is more stringent than that for toxics and dissolved oxygen.
- Propose to restore the 1.0 cfs default flow for the Agriculture beneficial use

Establishing the Applicability of the Fish Consumption Beneficial Use

- In 2005, the OWQS were revised to remove outdated fish tissue criteria.
- Previously, the Fish Consumption B.U. was applicable to fully fishable waters with the following language: *shall apply to surface water designated as Warm Water Aquatic Community, Cool Water Aquatic Community, or Trout Fishery.*
- Proposing that this language be restored.
 - This proposal will effectively make the Human Health Criteria not applicable to HLAC waterbodies

Various Misc. Edits

- Revisions to clarify applicability of seasonal temperatures prescribed in Table 1 of Appendix G of OAC 785:45
- Revision to OAC 785:45 Table 1 to restore note “1”
- Revision to the USAP for language consistency
- Revisions to methods for determination of regulatory low flow

Appendix H Listings

- Corporation Commission
 - West Edmond Oil Field
- ODEQ
 - Boone (Tar Creek) Area
 - North-Central OK (Former Farmland Fee Mill Site, Enid)
 - Vannoss Group (Hudson Refinery Site, Cushing)
 - North-Central OK (Blackwell Zinc Co. Site, Blackwell)
- GES on behalf of ExxonMobil
 - Putnam-Oswego Former Gas Plant, Dewey Co

These listing only provide well completion requirements.
Beneficial Uses and Class remain the same.

Arbuckle Simpson Designation

- Request from CPASA to make the Arbuckle-Simpson a Class I aquifer
- Groundwater Quality Standards define the Class I aquifers as:

***Class I (Special Source Groundwater):** Special source groundwaters are defined as groundwaters where exceptional water quality exists, where there is an irreplaceable source of water, where it is necessary to maintain an outstanding resource or where the groundwater is ecologically important. Special source groundwaters are considered to be very vulnerable to contamination. This classification shall include:*

(A) All groundwater located underneath the watersheds of waterbodies designated "Scenic River" in Appendix A of this Chapter;

(B) Special source groundwater located underneath lands located within the boundaries of the areas described in Appendix B of this Chapter; and

(C) All groundwater located underneath lands located within the boundaries of a State approved wellhead or source water protection area for public water supply

Revision Timeline

- Informal Meeting September 14th, 2012
- Informal Meeting w/ Selected Municipalities October 4th, 2012
- Informal Meeting October 11th, 2012
- Notice of Rule Making Published November 15th, 2012
- Draft Proposed Rules for Public Inspection November 15th, 2012
- Comment Period November 15th, 2012– January 15th, 2013
- Hearing January 15th, 2013
- Final Proposed Rule January – February 2013
- Board Adoption February or March 2013
- Legislative Review Spring 2013
- Gubernatorial Review Spring 2013
- Final – State Published Rule July 2013
- Attorney General Certification August – October 2013
- Submittal to EPA August – October 2013
- EPA Approval (30-90 days) November 2013-January 2014