

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD**  
**CHAPTER 1. ORGANIZATIONS AND PROCEDURE OF OKLAHOMA WATER**  
**RESOURCES BOARD**

**SUBCHAPTER 3. ORGANIZATION, MEETINGS AND COMPREHENSIVE WATER**  
**PLAN**

**785:1-3-1. Origin, composition and operations of the Board**

(a) Origin and composition. The Oklahoma Water Resources Board was created as a seven-member Board by an Act of the Twenty-Sixth Oklahoma Legislature in 1957. ~~By an Act of the Second Session of the Thirty-Third Legislature in 1972, a nine-member Board was created~~The Board consists of nine members, one member being appointed from each of the Congressional Districts of the State, and three members appointed at largenine (9) regions identified in 82 O.S. 1085.1. At all times the membership shall have represented on it at least one member well versed in each of the following major types of water use: recreational, industrial, irrigational, municipal, rural residential, agricultural, and soil conservation work, but no more than two (2) members may be selected representing any one of the major types of water use. A chairman, vice-chairman, and secretary shall be elected annually, provided that no person shall serve as chairman for more than two consecutive years.

(b) Operations of Board. The Executive Director, appointed by the Board, manages the day-to-day operations and staff members of the Board. Four divisions of the Board, each supervised by a Division Chief, have been established as follows: Planning and Management Division, Financial Assistance Division, Water Quality Programs Division and Administrative Services Division. The public may obtain information or make submissions or requests by contacting the appropriate Division staff in person, in writing or by telephone. Other rules may also be applicable to obtain information or make submissions or requests. The Board retains final authority over all matters before the agency unless otherwise provided by law. Agenda items for all meetings of the Board are processed through the appropriate Division and approved for placement on the agenda by the Executive Director in consultation with the Chairman.

**785:1-3-2. Purpose of the Board**

It is the purpose of the Board to determine and administer rights to the use of waters of the State; develop long-range plans to encourage the conservation, development, and utilization of the water resources of the State; and to coordinate local, state, and federal water activities within the State; ~~and to establish and administer standards of quality for the prevention, control, and abatement of pollution of the waters of the State.~~

**785:1-3-3. Offices of the Board**

The principal office of the Board shall be located in Oklahoma City, Oklahoma. Additional branch offices may be located ~~at Tulsa, McAlester, Woodward and Lawton, Oklahoma or such other~~ in other Oklahoma towns and cities as the Board may deem necessary and proper to carry out its duties and responsibilities.

**SUBCHAPTER 5. RULES**

### **785:1-5-3. Amending of rules ~~or Standards~~ by Board**

(a) These rules and regulations may, from time to time, be expanded, amended or repealed by the Board pursuant to the Oklahoma APA.

~~(b) Oklahoma's Water Quality Standards (Standards), are considered to be "rules" of the Board adopted through its "rulemaking" process under the APA, the special requirements in other applicable State statutes and the requirements of the federal Clean Water Act and U.S. Environmental Protection Agency regulations thereunder. The Board follows such requirements in amending or revising the Standards. The Standards include beneficial use designations for various waters of the state and criteria to protect such uses. In amending or revising beneficial use designations, in conjunction with other amendments or revisions or separately, the following shall also apply:~~

~~(1) If the Board makes a preliminary determination that a previously adopted beneficial use designation for any waters of the state was based on inaccurate, incomplete or insufficient data, information, or studies, and that said designation should be modified, the Board shall, as soon as practical, propose a modification to the use designated:~~

~~(A) Notice of said proposed modification shall be given in accordance with the requirements of the APA and other applicable laws or regulations.~~

~~(B) Data, information or studies to support said modification shall be made available for public review at least thirty (30) days prior to the public hearing.~~

~~(C) Written and oral comments and additional data, information or studies in support of or in opposition to the proposed modification may be presented by any person at the public hearing.~~

~~(2) The Board may adopt the proposed modification if:~~

~~(A) The data, information or studies upon which the proposed modification is based was not available to the Board when it designated the beneficial use, or~~

~~(B) The data, information or studies upon which the proposed modification is based was not considered by the Board when it designated the beneficial use, and~~

~~(C) The proposed modification will not lower the water quality.~~

~~(3) If the Board adopts the proposed modification, a summary of the reasons therefor shall be made part of the Board's records regarding such modification.~~

(c) In addition to publishing notice of rulemaking intent in the Oklahoma Register as required by the APA, the Board shall, prior to or within three (3) days after publication of such notice, ~~mail~~provide a copy of the notice to all persons who have filed before December 31 of each year a written request for advance notice of rulemaking proceedings for the next ensuing calendar year. Persons who have filed such a request and present comments or otherwise participate in any rulemaking proceedings shall be deemed to have renewed their request to receive such notice for the next calendar year.

### **785:1-5-4. Petition requesting promulgation, amendment or repeal of a rule ~~or Standard~~ by others**

(a) Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a Board rule ~~or water quality standard~~, provided, in submitting such petition, the following requirements shall apply:

(1) All petitions must be submitted in typewritten or legible printed form.

- (2) All petitions must clearly identify the person submitting such petition and must include a statement reflecting the interest of the person in submitting such petition, i.e., a showing that such petition is being submitted by an "interested person".
- (3) All petitions must clearly state that the petition is for promulgation of a new rule ~~or standard~~, for the amendment of an existing rule ~~or standard~~ or for the repeal of an existing rule ~~or standard~~, or, separately, any combination of the above. In the instance of a requested amendment to an existing rule(s) ~~or standard(s)~~, a complete text of the existing rule(s) ~~or standard(s)~~ requested for amendment must be submitted reflecting the existing rule(s) ~~or standard(s)~~ language requested for change or deletion and/or such language as may be added. In the instance of a requested repeal of any rule(s) ~~or standard(s)~~, the petition must state the complete rule(s) or ~~standard(s)~~ requested for repeal.
- (4) All petitions must clearly and separately state the submitted basis, reason, ground or justification for each requested rule promulgation, amendment or repeal. Any and all supporting documents, records, statistics, studies or information must be submitted with the petition, and, the legal authority for such requested action, where deemed necessary or appropriate, shall be submitted by the petitioning person unless otherwise ordered by the hearing examiner.
- (5) All petitions must be duly signed and endorsed by all petitioning persons, or their legal representatives, and such signatures and endorsement must be duly acknowledged by notary.
- (b) All petitions requesting the promulgation, amendment or repeal of any Board rule ~~or standard~~, as herein provided, shall be referred to a hearing examiner for review and consideration. The hearing examiner shall initially determine if the submitted petition is in adequate and proper form pursuant to (a) of this Section. If determined to be in proper and adequate form, the hearing examiner shall thereupon make a recommendation whether the petition should be granted or denied, in whole or in part. Before making any such recommendation, the requesting person shall be allowed reasonable opportunity to submit to the hearing examiner argument, written and/or oral, in support of the petition. In making its recommendation on the petition, the hearing examiner may, in his or her discretion, refer the request to staff for additional review, consideration and comment prior to a recommendation thereon by the hearing examiner.
- (c) The written recommendations of the hearing examiner shall be submitted to the Board for its consideration. No further argument on the petition shall be allowed unless otherwise determined by the Board.
- (d) Should any petition be granted by the Board, in whole or in part, the petition as granted shall separately or in conjunction with other amendments proposed by the Board become subject of proceedings under the APA and other applicable laws for the adoption of such rule ~~or standard~~ promulgation, amendment or repeal. A determination by the Board to grant a petition shall not be binding on the Board in considering the adoption of the rule ~~or standard~~ subject of the petition.

## **SUBCHAPTER 9. TIME PERIODS FOR PERMIT AND LICENSE ISSUANCE AND DENIAL**

### **785:1-9-1. Time period for permit and license issuance or denial**

Any permit, license and certification for an activity regulated by the Board, as described in 785:1-9-2, shall be issued or denied within six (6) months after the Board receives ~~an~~ completed application or notice of completion therefor which is deemed complete by the Board, unless the time is extended as provided in 785:1-9-3. If the application for a permit, license, or certification requires notice and opportunity for hearing, the Board shall issue or deny the application within six (6) months of the end of the notice period.