

ACCEPTED 11/9/22
OFFICE OF ADMINISTRATIVE RULES
OKLAHOMA SECRETARY OF STATE
DOCKET# 22-849 OAR/cert CN

TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS [REVOKED]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]
785:45-1-1. Purpose [REVOKED]
785:45-1-2. Definitions [REVOKED]
785:45-1-3. Adoption and enforceability of the standards [REVOKED]
785:45-1-4. Testing procedures [REVOKED]
785:45-1-5. Revision procedures [REVOKED]
785:45-1-6. Errors and separability [REVOKED]
Subchapter 3. Antidegradation Requirements [REVOKED]
785:45-3-1. Purpose; antidegradation policy statement [REVOKED]
785:45-3-2. Applications of antidegradation policy [REVOKED]
Subchapter 5. Surface Water Quality Standards [REVOKED]
Part 1. General Provisions [REVOKED]
785:45-5-1. Declaration of policy; authority of Board [REVOKED]
785:45-5-2. Beneficial uses: existing and designated [REVOKED]
785:45-5-3. Beneficial uses: default designations [REVOKED]
785:45-5-4. Applicability of narrative and numerical criteria [REVOKED]
785:45-5-5. Water quality standard variance [REVOKED]
785:45-5-6. Compliance schedules [REVOKED]
785:45-5-7. Site-specific criteria [REVOKED]
Part 3. Beneficial Uses and Criteria to Protect Uses [REVOKED]
785:45-5-9. General narrative criteria [REVOKED]
785:45-5-10. Public and private water supplies [REVOKED]
785:45-5-11. Emergency public and private water supplies [REVOKED]
785:45-5-12. Fish and wildlife propagation [REVOKED]
785:45-5-13. Agriculture [REVOKED]
785:45-5-16. Primary Body Contact Recreation [REVOKED]
785:45-5-17. Secondary Body Contact Recreation [REVOKED]
785:45-5-18. Navigation [REVOKED]
785:45-5-20. Fish consumption [REVOKED]
Part 5. Special Provisions [REVOKED]
785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [REVOKED]

785:45-5-26. Mixing zones and zones of passage [REVOKED]
785:45-5-29. Delineation of NLW areas [REVOKED]
Subchapter 7. Groundwater Quality Standards [REVOKED]
785:45-7-1. Scope and Applicability; Purpose [REVOKED]
785:45-7-2. Groundwater Quality Antidegradation Policy [REVOKED]
785:45-7-3. Groundwater classifications, beneficial uses and vulnerability levels [REVOKED]
785:45-7-4. Criteria for groundwater quality protection [REVOKED]
785:45-7-5. Corrective action [REVOKED]
Appendix A. Designated Beneficial Uses for Surface Waters [REVOKED]
Appendix A.1 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 1, Middle Arkansas River [REVOKED]
Appendix A.2 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 2, Lower Arkansas River Basin [REVOKED]
Appendix A.3 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin [REVOKED]
Appendix A.4 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 4, Lower Red River [REVOKED]
Appendix A.5 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River [REVOKED]
Appendix A.6 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 6, Upper Arkansas River [REVOKED]
Appendix A.7 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 7, Panhandle Region [REVOKED]
Appendix B. Areas With Waters of Recreational and/or Ecological Significance [REVOKED]
Appendix D. Classifications for Groundwater in Oklahoma [REVOKED]
Appendix E. Requirements for Development of Site Specific Criteria for Certain Parameters [REVOKED]
Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (beginning October 1976 ending September 1983, except as indicated) [REVOKED]
Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]
Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]
Appendix I. Criteria for Groundwater Protection [REVOKED]

SUMMARY:

The Oklahoma Water Resources Board ("Board") is proposing to revoke Chapter 45 of the Board's rules. Senate Bill 1325 (2022) transfers the authority for the Water Quality Standards program to the Oklahoma Department of Environmental Quality ("ODEQ"). The current rules and any future amendments will be promulgated by ODEQ.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., § 1085.2; Senate Bill 1325 (2022).

COMMENT PERIOD:

Persons wishing to present written comments may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2023. Written comments

may also be submitted via e-mail to Cris.Krittenbrink@owrb.ok.gov before 5:00 PM on January 16, 2023. Persons wishing to present oral comments to the Board may do so at the public hearing on January 17, 2023.

PUBLIC HEARING:

A public hearing will be held January 17, 2023, during the monthly meeting of the Board which will begin at 9:30 a.m. in the Board Room of the Board's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma, 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Board requests that any business entities affected by these proposed rules provide, within the Comment Period from December 1, 2022 through January 17, 2023, 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 Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2023 or Cris.Krittenbrink@owrb.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed by appointment at the Board's office location at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below. The proposed amendments may also be viewed on the Board's 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 by appointment at the Board'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:

Chrystal Krittenbrink, Legal Secretary, 405-530-8800, Cris.Krittenbrink@owrb.ok.gov.