

**ACCEPTED**

11/9/22

OFFICE OF ADMINISTRATIVE RULES

**OKLAHOMA SECRETARY OF STATE**

DOCKET# 22-850 OAR/cert CN

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 46. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY  
STANDARDS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

785:46-1-1. Purpose, scope and applicability [REVOKED]

785:46-1-3. Procedural and substantive authority [AMENDED]

785:46-1-4. Testing procedures [REVOKED]

785:46-1-6. Determination of regulatory low flow [REVOKED]

Subchapter 3. Implementation of Narrative Toxics Criteria to Protect Aquatic Life  
Using Whole Effluent Toxicity (WET) Testing [REVOKED]

785:46-3-1. Applicability and scope [REVOKED]

785:46-3-2. Dilutions for whole effluent toxicity testing [REVOKED]

785:46-3-3. Sampling for whole effluent toxicity testing [REVOKED]

785:46-3-5. Reasonable potential to exceed narrative toxicity criterion for Fish and  
Wildlife Propagation [REVOKED]

785:46-3-6. Regulatory flow determination [REVOKED]

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife From  
Toxicity Due to Conservative Substances [REVOKED]

785:46-5-1. Applicability and scope [REVOKED]

785:46-5-2. Regulatory flow determination [REVOKED]

785:46-5-3. Reasonable potential [REVOKED]

785:46-5-8. pH and hardness dependent toxicity [REVOKED]

Subchapter 7. Implementation of Numerical Criteria to Protect Human Health From  
Toxicity Due to Conservative Substances [REVOKED]

785:46-7-1. Applicability and scope [REVOKED]

785:46-7-2. Determination and use of regulatory flow [REVOKED]

785:46-7-3. Reasonable potential [REVOKED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use  
[REVOKED]

785:46-9-1. Applicability and scope [REVOKED]

785:46-9-2. Applicable mineral criteria [REVOKED]

785:46-9-3. Regulatory flows [REVOKED]

785:46-9-5. Reasonable potential [REVOKED]

Subchapter 11. Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation [REVOKED]

785:46-11-1. Applicability and scope [REVOKED]

785:46-11-2. Applicable temperatures [REVOKED]

785:46-11-3. Regulatory flows [REVOKED]

785:46-11-5. Reasonable potential [REVOKED]

785:46-11-6. Reasonable potential equations [REVOKED]

Subchapter 13. Implementation of Antidegradation Policy [REVOKED]

785:46-13-1. Applicability and scope [REVOKED]

785:46-13-2. Definitions [REVOKED]

785:46-13-3. Tier 1 protection; attainment or maintenance of an existing or designated beneficial use [REVOKED]

785:46-13-4. Tier 2 protection; maintenance and protection of Sensitive Water Supply-Reuse and other Tier 2 waterbodies[REVOKED]

785:46-13-5. Tier 2.5 protection; maintenance and protection of high quality waters, sensitive water supplies, and other tier 2.5 waterbodies [REVOKED]

785:46-13-6. Tier 3 protection; prohibition against degradation of water quality in outstanding resource waters [REVOKED]

785:46-13-7. Protection for Appendix B areas [REVOKED]

785:46-13-8. Antidegradation review in surface waters [REVOKED]

Subchapter 15. Use Support Assessment Protocols [REVOKED]

785:46-15-1. Scope and Applicability [REVOKED]

785:46-15-2. Definitions [REVOKED]

785:46-15-3. Data Requirements [REVOKED]

785:46-15-4. Default protocols [REVOKED]

785:46-15-5. Assessment of Fish and Wildlife Propagation support [REVOKED]

785:46-13-6. Assessment of Primary Body Contact Recreation support [REVOKED]

785:46-15-7. Assessment of Public and Private Water Supply support [REVOKED]

785:46-15-8. Assessment of Agriculture support [REVOKED]

785:46-15-9. Assessment of Fish Consumption support [REVOKED]

785:46-15-10. Nutrients [REVOKED]

785:46-15-13.1. Assessment of Navigation support [REVOKED]

785:46-13-14. Assessment of Aesthetics support [REVOKED]

Subchapter 19. Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation [REVOKED]

785:46-19-1. Applicability and scope [REVOKED]

785:46-19-2. Regulatory flows [REVOKED]

785:46-19-3. Reasonable potential determination [REVOKED]

Appendix B. Mean Hardness and PH by Stream Segment [REVOKED]

Appendix C. Index of Biological Integrity [REVOKED]

#### **SUMMARY:**

The Oklahoma Water Resources Board ("Board") is proposing to revoke Chapter 46 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](mailto:Cris.Krittenbrink@owrb.ok.gov) before 5:00 PM on January 17, 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](mailto: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](mailto:Cris.Krittenbrink@owrb.ok.gov).