

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. American Rescue Plan Act (ARPA) Water and Wastewater Infrastructure Grant Program Requirements [NEW]

785:50-15-1. Program description [NEW]

785:50-15-2. Definitions [NEW]

785:50-15-3. Application review and disposition [NEW]

785:50-15-4. Applicable law; deadline for applications; eligible project costs [NEW]

785:50-15-5. ARPA grant priority points system [NEW]

785:50-15-6. Disbursement of funds [NEW]

Subchapter 17. Oklahoma Dam Rehabilitation (OKDR) Grant Program Requirements and Procedures [NEW]

785:50-17-1. Program description [NEW]

785:50-17-2. Definitions [NEW]

785:50-17-3. Application review and disposition [NEW]

785:50-17-4. Applicable law; deadline for applications; eligible project costs [NEW]

785:50-17-5. Period of performance [NEW]

785:50-17-7. OKDR grant priority system [NEW]

785:50-17-8. Disbursement of funds [NEW]

Subchapter 19. American Rescue Plan Act (ARPA) Tribal Cooperation Grant Program Requirements and Procedures [NEW]

785:50-19-1. Program description [NEW]

785:50-19-2. Definitions [NEW]

785:50-19-3. Application review and disposition [NEW]

785:50-19-4. Applicable law; deadline for applications; eligible project costs [NEW]

785:50-19-5. Project Selection [NEW]

785:50-19-6. Disbursement of funds [NEW]

SUMMARY:

The Oklahoma Water Resources Board proposed to make permanent the emergency rules related to programs authorized by the Legislature under the American Rescue Plan Act ("ARPA").

Subchapter 15 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for water and wastewater infrastructure as authorized by the ARPA. The legislation directs OWRB to create a water and wastewater infrastructure grant program for communities 7,000 or less and a water and wastewater infrastructure grant program for communities 7,001 or more from funds available from the ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA water and wastewater infrastructure grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 17 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for a publicly owned deficient dams grant program from funds available from ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review Oklahoma Dam Rehabilitation Grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 19 is proposed to add language to implement provisions of Senate Bill 4 and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB to establish a grant program to match tribal investment in rural water infrastructure projects as authorized by the American Rescue Plan Act ("ARPA"). The funds shall be used as recommended and approved by the Joint Committee on Pandemic Relief Funding on March 10, 2022. The legislation directs OWRB to create rules and establish procedures for evaluation and awarding grant applications. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA Tribal Cooperation Grant program requirements, clarify the approval process, disburse funds, and provide necessary information to potential applicants regarding laws, guidelines, and the process. This subchapter has been amended from the emergency rules to add "a federally recognized Indian tribe or authorized Indian tribal organization" to the definition of "Qualified Entity".

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., § 1085.1; 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 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.

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 OWRB'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.