

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

**Subchapter 5 – Surface Water Quality Standards**

**785:45-5-19. Aesthetics**

- (a) To be aesthetically enjoyable, the surface waters of the state must be free from floating materials and suspended substances that produce objectionable color and turbidity.
- (b) The water must also be free from noxious odors and tastes, from materials that settle to form objectionable deposits, and discharges that produce undesirable effects or are a nuisance to aquatic life.
- (c) The following criteria apply to protect this use:
- (1) **Color.** Surface waters of the state shall be virtually free from all coloring materials which produce an aesthetically unpleasant appearance.
- (2) ~~**Nutrients; numerical criterion applicable to waters designated Scenic Rivers**~~ **Total phosphorus criterion applicable to designated Scenic River reaches of Mountain Fork River, Lee Creek and Little Lee Creek.** The thirty (30) day geometric mean total phosphorus concentration ~~in waters designated "Scenic River" in Appendix A of this Chapter~~ shall not exceed 0.037 mg/L. The criterion stated in this subparagraph applies in addition to, and shall be construed so as to be consistent with, any other provision of this Chapter which may be applicable to such waters. ~~Such criterion became effective July 1, 2002 and shall be implemented as authorized by state law through Water Quality Standards Implementation Plans and other rules, permits, settlement agreements, consent orders, compliance orders, compliance schedules or voluntary measures designed to achieve full compliance with the criterion in the stream by June 30, 2012.~~
- (3) **Total phosphorus criterion applicable to designated Scenic River reaches of Illinois River, Flint Creek, and Barren Fork Creek.** The total phosphorus six month rolling average of 0.037 mg/L shall not be exceeded more than once in a one-year period and not more than three times in a five-year period. The criterion stated in this subparagraph applies in addition to, and shall be construed so as to be consistent with, any other provision of this Chapter which may be applicable to such waters.

**PART 5. SPECIAL PROVISIONS**

**785:45-5-25. Implementation Policies for the Antidegradation Policy Statement**

- (a) The following provisions set forth exceptions to the limitations stated in 785:45-5-25(c) for additional protection of certain waters of the state:
- (1) The limitations contained in 785:45-5-25(c)(1) for additional protection of Outstanding Resource Waters shall apply to all discharges from point sources except such limitations do not apply to discharges of stormwater from temporary construction activities. Discharges of stormwater from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992, are also excepted from the 785:45-5-25(c)(1) rule prohibiting any new point source discharges, but such stormwater discharges are prohibited from increased load of any pollutant.

- (2) The limitations for additional protection of Appendix B Waters (785:45-5-25(c)(2)), High Quality Waters (785:45-5-25(c)(3)), Sensitive Public and Private Water Supplies (785:45-5-25(c)(4)), and SWS-R waterbodies (785:45-5-25(c)(8)) shall apply to discharges from all point sources except point source discharges of stormwater.
- (b) For purposes of 785:45-5-25, the term "specified pollutants" means:
- (1) Oxygen demanding substances, measured as Carbonaceous Biochemical Oxygen Demand (CBOD) and/or Biochemical Oxygen Demand (BOD);
  - (2) Ammonia Nitrogen and/or Total Organic Nitrogen;
  - (3) Phosphorus;
  - (4) Total Suspended Solids (TSS);
  - (5) Such other substances as may be determined by the Oklahoma Water Resources Board.
- (c) The following limitations for additional protection apply to various waters of the state:
- (1) **Outstanding Resource Waters (ORW).**
    - (A) Outstanding Resource Waters (ORW) are those waters of the state which constitute outstanding resources or are of exceptional recreational and/or ecological significance as described in 785:45-3-2(a).
    - (B) The following waterbodies are prohibited from having any new point source discharge(s) of any pollutant or increased load of any pollutant from existing point source discharge(s):
      - (i) Waterbodies designated "ORW" and/or "Scenic River" in Appendix A of this Chapter;
      - (ii) Waterbodies located within the watersheds of waterbodies designated "Scenic River" in Appendix A of this Chapter; and
      - (iii) Waterbodies located within the boundaries of Appendix B areas which are specifically designated "ORW" in Appendix A of this Chapter.
  - (2) **Appendix B Waters.**
    - (A) Appendix B waters are those waters of the state which are located within the boundaries of areas listed in Appendix B of this Chapter, including but not limited to the National and State parks, forests, wilderness areas, wildlife management areas, and wildlife refuges. Appendix B also may include those areas which are inhabited by federally listed, threatened or endangered species, and other appropriate areas.
    - (B) Only those Appendix B waters specifically designated "ORW" in Appendix A of this Chapter shall be afforded the limitations for additional protection described in 785:45-5-25(c)(1)(B).
    - (C) New discharges or increased loading from existing discharges to Appendix B waters may be allowed under such conditions that ensure that the recreational and ecological significance of these waters will be maintained.
    - (D) Discharges or other activities associated with those waters listed in Appendix B, Table 2 containing federally listed threatened or endangered species may be restricted through agreements between appropriate regulatory agencies and the United States Fish and Wildlife Service.
  - (3) **High Quality Waters (HQW).**
    - (A) High Quality Waters (HQW) are those waters of the state whose historic water quality and physical habitat provide conditions suitable for the support of

sensitive and intolerant climax communities of aquatic organisms whether or not that waterbody currently contains such a community, support high levels of recreational opportunity, and are designated "HQW" waters in Appendix A of this Chapter. These waters will generally have higher quality habitat, a more diverse and more intolerant biotic community and, as a result, may provide more ecological refuges and recreational opportunities than other waters in the same ecoregion with similar chemistry and physical conditions.

(B) All waterbodies designated with the limitation indicated by the letters "HQW" in Appendix A are prohibited from having any new point source discharge(s) of any pollutant or increased load or concentration of specified pollutants from existing point source discharge(s), provided however that new point source discharge(s) or increased load of specified pollutants described in 785:45-5-25(b) may be approved by the permitting authority in those circumstances where the discharger demonstrates to the satisfaction of the permitting authority that the a new point source discharge or increased load from an existing point source discharge will result in maintaining or improving the level of water quality which exceeds that necessary to support recreation and propagation of fishes, shellfishes, and wildlife of the direct receiving water and downstream waterbodies designated HQW. As specified in 785:45-3-2(b) and (d), no discharge of any pollutant to a water designated HQW may lower existing water quality.

(C) Waters designated HQW after July 1, 2007 will demonstrate (1) 95% of water quality measurements for multiple parameters from metals, organics and general physicochemical water quality descriptors better than the promulgated criteria in Appendix G of this chapter at multiple stations on the segment, (2) an unimpaired biological community as determined by the application of Appendix C of Title 785 Chapter 46, and (3) significant local support for promulgation of the HQW designation.

(4) **Sensitive Public and Private Water Supplies (SWS).**

(A) Waters designated "SWS" are those waters of the state which constitute sensitive public and private water supplies as a result of their unique physical conditions and are listed in Appendix A of this Chapter as "SWS" waters. These are waters (a) currently used as water supply reservoirs, (b) that generally possess a watershed of less than approximately 100 square miles or (c) as otherwise designated by the Board.

(B) New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of this Chapter with the limitation "SWS". Any discharge of any pollutant to a waterbody designated "SWS" which would, if it occurred, lower existing water quality shall be prohibited, provided however that new point source discharge(s) or increased load of specified pollutants described in 785:45-5-25(b) may be approved by the permitting authority in those circumstances where the discharger demonstrates to the satisfaction of the permitting authority that a new point source discharge or increased load from an existing point source discharge

will result in maintaining or improving the water quality of both the direct receiving water and any downstream waterbodies designated SWS.

- (5) **Prioritization of limitations.** In situations where more than one beneficial use limitation exists for a waterbody, the more stringent limitation shall apply.
- (6) **Non-Point source discharges or runoff.** Best management practices for control of non-point source discharges or runoff should be implemented in watersheds of waterbodies designated "ORW", "HQW", "SWS" or "SWS-R" in Appendix A of this Chapter and/or located within areas listed in Appendix B provided however that development of conservation plans shall be required in sub-watersheds where discharges or runoff from non-point sources are identified as causing, or significantly contributing to, degradation in a waterbody designated "ORW".
- (7) **Culturally Significant Waters (CSW).**
  - (A) Waters designated as CSW in Appendix A of this Chapter are those identified by recognized Tribal authorities as critical to maintaining the waters' utility for cultural, historic, recreational or ceremonial uses and which may require more stringent protection measures to protect human health or aquatic life or both.
  - (B) All activities associated with a CSW may require consultation with the duly authorized Tribal authority to assure that the proposed activity is consistent with applicable Tribal environmental laws.
- (8) **Sensitive Public and Private Water Supplies with Reuse (SWS-R).**
  - (A) Waters designated "SWS-R" are those waters of the state which constitute sensitive public and private water supplies that may be augmented with reclaimed municipal water for the purpose of indirect potable reuse (IPR). SWS-R waterbodies are identified in Appendix A of this Chapter. These are waters currently used as water supply reservoirs, that generally possess a watershed of less than approximately 100 square miles, or as otherwise designated by the Board.
  - (B) New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of this Chapter with the limitation "SWS-R" except as outlined in 8(C) below.
  - (C) New point source municipal wastewater discharges or increased loading from existing point source municipal wastewater discharges to a SWS-R waterbody or watershed shall achieve a minimum level of effluent quality that is attainable using demonstrated treatment technologies or other alternatives. Approaches for required technology-based limitations and or other alternatives are outlined in 785:46-13-4(e). A discharge to a SWS-R waterbody may be permitted provided:
    - (i) A determination of the waterbody's assimilative capacity for all applicable narrative and numeric criteria shall be the responsibility of the discharger;
    - (ii) If assimilative capacity exists for any applicable narrative or numeric criteria, the discharger shall document what portion, if any, of the assimilative capacity is reasonable to maintain. If it is proposed that it is

not reasonable to maintain any, or a portion, of the assimilative capacity, a report consistent with all 40 CFR 131.12(a)(2) requirements describing the available assimilative capacity and providing justification for consuming all or a portion of the assimilative capacity shall be submitted by the discharger to the State for review;

(iii) The State may approve both the determination of assimilative capacity and the proposed consumption of any, or all, of the assimilative capacity if it is found to be necessary based on the aforementioned report and consistent with the requirements described in 40 CFR 131.12(a)(2);

(iv) All existing and designated beneficial uses of the receiving waterbody and downstream waterbodies shall be maintained; and,

(v) The discharge shall not impair human health even during drought of record conditions.

(D) SWS-R waterbodies, with permitted discharge, shall be technically evaluated by permitted parties at least once every five years to determine the attainment or nonattainment of beneficial uses. Technical evaluation reports, including all data and information necessary to allow independent analysis, shall be submitted to the permitting authority for review. If the report documents nonattainment of a beneficial use(s) resulting from the discharge, the permitting authority shall consider actions including, but not limited to, additional permit requirements, cessation of the discharge, and or a recommendation to OWRB to revoke the SWS-R waterbody classification.

~~(d) — The thirty (30) day geometric mean total phosphorus concentration in waters designated "Scenic River" in Appendix A of this Chapter shall not exceed 0.037 mg/L. This subsection (d) applies in addition to, and shall be construed so as to be consistent with, any other provision of this Chapter which may be applicable to such waters. Such criterion became effective July 1, 2002 and shall be implemented as authorized by state law through Water Quality Standards Implementation Plans and other rules, permits, settlement agreements, consent orders, compliance orders, compliance schedules or voluntary measures designed to achieve full compliance with the criterion in the stream by June 30, 2012.~~