

**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 15. Use Support Assessment Protocols

785:46-15-14. Assessment of Aesthetics Support [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:46 as follows:

The OWRB is proposing to revise the total phosphorus criterion for the protection of the Aesthetics beneficial use for Scenic River reaches of Illinois River, Flint Creek, and Barren Fork Creek. This revision requires updated use assessment protocols to effectively implement the revised criterion in monitoring and assessment programs (785:46-15-14(c)). The updated use assessment protocols address elements such as data requirements, procedures, and test for beneficial use support or non-support. Revisions to 785:46-15-14(b) delineate the continued application of the current Aesthetics use support protocol to the Scenic River reaches of Mountain Fork River, Lee Creek, and Little Lee Creek.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

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 15, 2021. Written comments may also be submitted via e-mail to IRTPcriteria@owrb.ok.gov or rebecca.veiga@owrb.ok.gov before 5:00 PM on January 15, 2021. Persons wishing to present oral comments to the OWRB may do so at the public hearing on January 15, 2021.

PUBLIC HEARING:

A public hearing will be held via videoconference on January 7, 2021 at 2:00 pm, pursuant to the Governor's Sixth Amended Executive Order 2020-20. The meeting may be accessed at <https://zoom.us/j/98915841322> or by telephone at +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2020 through January 15, 2021, 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 Monty Porter at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 15, 2021.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed by appointment at the OWRB'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 OWRB 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:

Monty Porter, Assistant Chief of Water Quality Programs Division, 405-530-8800,
Monty.Porter@owrb.ok.gov.