

**FEDERAL AGENCIES/PROGRAMS  
AFFECTING OKLAHOMA'S WATER QUANTITY/QUALITY**

*Prepared by Gary D. Allison*

**I. Corps of Engineers**

***A. Clean Water Act Sec. 404 dredge and fill permitting;***

***<http://www.usace.army.mil/cw/cecwo/reg/sec404.htm>***

***B. Water Supply Act of 1958, Pub. L. No. 85-500, § 301, 72 Stat. 319 (July 3, 1958), as amended by Water Resources Development Act of 1986, Pub. L. No. 99-662, 43 U.S.C. § 390b, authorizing contracts to repay costs of water supply storage, flood control and navigation, other Congressionally authorized purposes.***

1. ***[http://www.usace.army.mil/cw/cecwo-cp/psa/watersupply.htm](http://www.usace.army.mil/cw/cecwo/cp/psa/watersupply.htm) Water Supply Page***
2. ***<http://www.usace.army.mil/publications/eng-pamphlets/ep1165-2-1/c-6.pdf> Cost sharing.***
3. ***<http://www.usace.army.mil/publications/eng-pamphlets/ep1165-2-1/c-18.pdf> Water Supply Management (includes the storage program).***

***C. Links***

1. ***<http://www.usace.army.mil/cw/cecwo/reg/> Corps of Engineers' Regulatory Webpage***
2. ***<http://www.usace.army.mil/publications/eng-pamphlets/ep1165-2-1/c-21.pdf> Ch. 21, Digest of Water Resources Policies and Authorities***
3. ***<http://www.usace.army.mil/cw/cecwo/reg/33cfr321.htm> Permits for Dams and Dikes in Navigable Waters of the United States***
4. ***<http://www.usace.army.mil/cw/cecwo/reg/33cfr320.htm> General Regulatory Policy***
5. ***<http://www.usace.army.mil/cw/cecwo/reg/33cfr322.htm> Permits for Structures or Work in or Affecting Navigable Waters of the United States***

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6. <http://www.usace.army.mil/cw/cecwo/reg/33cfr323.htm>  
Permits for Discharges of Dredged or Fill Material into the Waters of the United States.
7. <http://www.usace.army.mil/cw/cecwo/reg/33cfr328.htm>  
Scope of the Term "Waters of the United States"
8. <http://www.usace.army.mil/cw/cecwo/reg/33cfr329.htm>  
Scope of the Term "Navigable Waters of the United States"
9. <http://corpslakes.usace.army.mil/visitors/states.cfm?state=OK> Corps' Lakes and Water Projects in Oklahoma
10. <http://www.usace.army.mil/publications/eng-pamphlets/ep1165-2-1/toc.htm> Table of Contents for Digest of Water Resources Policies and Authorities

## **II. Department of Interior Bureau of Reclamation**

### ***A. owns and operates 7 major reservoirs in Oklahoma with storage for authorized purposes***

1. The Reclamation program in Oklahoma emphasizes municipal and industrial water supply. There are six projects with seven major reservoirs in the state, five of them constructed primarily to provide water to cities and towns. They are the Norman, Washita Basin (Foss and Ft. Cobb reservoirs), Arbuckle, Mountain Park and McGee Creek projects. In addition to providing city water, the W.C. Austin Project provided irrigation water to more than 45,000 acres of farmland in 2003. The principal crop is cotton.
2. In 2003, the Oklahoma projects provided 133,482 acre-feet of municipal and industrial water to 18 cities with a population of approximately 1.4 million. State parks are operated at all of the reservoirs, except Lake of the Arbuckles which is included in the Chickasaw National Recreation Area administered by the National Park Service. Over 4.3 million people visited Reclamation projects in the state in 2003.

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3. [http://www.usbr.gov/gp/lakes\\_reservoirs/oklahoma\\_lakes.htm](http://www.usbr.gov/gp/lakes_reservoirs/oklahoma_lakes.htm) Links to Bureau lakes, reservoirs and recreational facilities and to water operations (precipitation summaries, reservoir storage, and reservoir allocation)

***B. Reservoirs include***

1. Lugert-Altus
2. Thunderbird
3. Foss
4. Ft. Cobb
5. Arbuckle Lake
6. Mountain Park
7. McGee Creek.

***C. Links***

1. <http://www.usbr.gov/main/about/> About the Bureau of Reclamation
2. [http://www.usbr.gov/gp/recreation/oklahoma\\_recreation.cfm](http://www.usbr.gov/gp/recreation/oklahoma_recreation.cfm) Overviews of the Bureau's seven (7) Major recreation lakes in Oklahoma
3. <http://www.usbr.gov/wfa/> BOR Water for America Initiative programs
4. <http://water.usgs.gov/wsi/> USGS Water for America Initiative programs

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**III.U.S. Environmental Protection Agency**

***A. Primary Regulatory of Water Quality under the Clean Water Act***

1. § 303 water quality standards,
  - a) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+33USC1313](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+33USC1313) Statutory language
  - b) <http://www.epa.gov/waterscience/standards/> EPA Water Quality Standards webpage
  - c) <http://www.epa.gov/owow/tmdl/> Total Maximum Daily Load (TMDL) approach to protecting/cleaning up impaired waters.  
[http://oaspub.epa.gov/waters/region\\_rept.control?p\\_region=6](http://oaspub.epa.gov/waters/region_rept.control?p_region=6) TMDL Fact Sheet for EPA Region 6
2. § 402 NPDES
  - a) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+33USC1342](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+33USC1342) Statutory Language
  - b) <http://cfpub.epa.gov/npdes/> EPA NPDES webpage
3. § 401 certifications  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+33USC1341](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+33USC1341)

***B. However, States are authorized to do the day to day regulation of water quality under Clean Water Act***

1. § 1251 (g) “ It is the policy of Congress that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated or otherwise impaired by this chapter. It is the further policy of Congress that nothing in this chapter shall be

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**construed to supersede or abrogate rights to quantities of water which have been established by any State. Federal agencies shall co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."**

**2. § 1370. "Except as expressly provided in this chapter, nothing in this chapter shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance is in effect under this chapter, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance under this chapter; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."**

**C. Links**

1. <http://www.epa.gov/> EPA homepage
2. <http://www.epa.gov/lawsregs/laws/cwa.html> Clean Water Act Summary
3. <http://www.epa.gov/watertrain/cwa/cwa1.htm> Introduction to the Clean Water Act
4. <http://www.epa.gov/owow/watershed/> Watershed Management Approach
5. <http://www.epa.gov/owow/wetlands/> EPA Wetlands Webpage

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6. <http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html> EPA/Corps of Engineers Guidelines for implementing U.S. Supreme Court decision in *Rapenios v. United States*, 547 U.S. 715 (2006).

#### **IV. United States Fish & Wildlife Service**

*A. Endangered Species Act authority to consider listing species, designating critical habitat*

<http://www.fws.gov/endangered/> Endangered Species Program Home Page

*B. consulting under NEPA about same with other federal agencies in reviewing projects requiring federal permits or licenses*

<http://www.fws.gov/endangered/consultations/index.html>

##### **C. Links**

1. <http://www.fws.gov/> U.S. Fish & Wildlife Service Homepage
2. <http://www.fws.gov/endangered/ESA/content.html> Endangered Species Act webpage
3. <http://www.fws.gov/endangered/policy/index.html#ESA> ESA Law, Regulations, Policies & Notices

#### **V. Federal Energy Regulatory Commission**

*A. hydropower operations at lakes*

*B. licensing projects for hydropower uses that do not require compliance with state appropriation law*

<http://www.ferc.gov/industries/hydropower.asp>

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**VI. Southwest Power Administration of Department of Energy <http://www.swpa.gov/> Homepage**

***A. operates hydropower facilities. Southwestern Power Administration was established in 1943 by the Secretary of the Interior as a Federal Agency that today operates within the Department of Energy under the authority of Section 5 of the Flood Control Act of 1944.***

***As one of four Power Marketing Administrations in the United States, Southwestern markets hydroelectric power in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas from 24 U.S. Army Corps of Engineers multipurpose dams.***

***By law, Southwestern's power is marketed and delivered primarily to public bodies such as rural electric cooperatives and municipal utilities. Southwestern has over one hundred such "preference" customers, and these entities ultimately serve another seven million end-use customers.***

***Southwestern operates and maintains 1,380 miles of high-voltage transmission lines, substations, and a communications system that includes microwave, VHF radio, and state-of-the-art fiber optics. Staff members work from offices located in Gore, Oklahoma; Jonesboro, Arkansas; Springfield, Missouri; and Tulsa, Oklahoma. Around-the-clock power scheduling and dispatching are conducted from the Springfield Operations Center.***

***B. In Oklahoma, they include facilities at:***

- 1. Texoma,***
- 2. Keystone,***
- 3. Ft. Gibson,***
- 4. Tenkiller,***

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- 5. Webbers Falls,
- 6. Robert S. Kerr and
- 7. Broken Bow

**C. Links**

- 1. <http://www.swpa.gov/PDFs/SWPASystemMap2006.pdf>  
Map of SPA's Hydroelectric System
- 2. <http://www.swpa.gov/generationschedules.aspx>  
Generating schedules for each day of the week.
- 3. [http://www.swpa.gov/rates\\_schedules.aspx](http://www.swpa.gov/rates_schedules.aspx) Rate  
Schedules

**VII. United States Department of Agriculture- provides funding for rural drinking water treatment and distribution facilities**

- A. <http://www.usda.gov/rus/water/index.htm> *Water & Environmental Programs Home Page.*
- B. <http://www.usda.gov/rus/water/HWWSP.htm> *Household Water Well System Grant Program*
- C. <http://www.usda.gov/rus/water/docs/WEF%20RFP%202008%20Application%20Guide.pdf> *Revolving Fund Program 2008 Grant Application Guide*
- D. <http://www.usda.gov/rus/water/regs.htm> *USDA Rural Utility Service Regulations*