

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 3. Antidegradation Requirements

785:45-3-2. Applications of Antidegradation Policy

Subchapter 5. Surface Water Quality Standards

Part 3. Beneficial Uses and Criteria to Protect Uses

785.45-5-10. Public and Private Water Supplies [AMENDED]

785.45-5-12. Fish and Wildlife Propagation [AMENDED]

Part 5. Special Provisions

785:45-5-25. Implementation Policies for the Antidegradation Policy Statement
[AMENDED]

Appendix A. Designated Beneficial Uses for Surface Waters [REVOKED]

Appendix A. Designated Beneficial Uses for Surface Waters [NEW]

Appendix B. Areas With Waters of Recreational and/or Ecological Significance
[REVOKED]

Appendix B. Areas With Waters of Recreational and/or Ecological Significance [NEW]

Appendix E. Requirements For Development of Site-Specific Criteria For Certain
Parameters [REVOKED]

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Parameters [NEW]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Introduction and
Explanations. [REVOKED]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Introduction and
Explanations. [NEW]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 2. [REVOKED]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 2. [NEW]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 3. [REVOKED]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 3. [NEW]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

Several amendments are proposed to add new language associated with the creation of a new antidegradation classification, known as Sensitive Water Supply-Reuse (SWS-R). The amendments proposed include modifying various parts of Chapter 45, including adding a definition for SWS-R and modifying the definition of "Existing Point Source Discharge" in OAC 785:45-1-2. To account for SWS-R as a part of Oklahoma's antidegradation policy, the term "SWS-R" is added to OAC 785:45-3-2(c), OAC 785:45-5-10(7) OAC 785:45-5-25(a)(2) and (6), OAC 785:45, Appendix A part (c)(2), and Appendix E, part G. Additionally, a new subsection (8) of OAC 785:45-5-25(c) was created to describe the SWS-R classification. This rulemaking does

not reclassify any waterbody as an SWS-R. The intended effect of this language is to create a new antidegradation classification.

Appendix A, "The Designated Beneficial Uses of Surface Waters", is proposed to be revoked and reenacted with deletions, modifications and additions of new uses and other waterbody specific information. The amendments proposed include modifying certain portions of Appendix A. These changes include amending the introductory material, in paragraph (d) Remarks, to remove remark (2) and renumber the remaining remarks. In Table A.1 (Middle Arkansas River Basin), the limitation "HQP" is added to Saline Creek and Little Saline Creek. For the Arkansas River from the mouth of the Verdigris River to Keystone Dam, the recreation use is changed to "PBCR", and the remark (2) is removed. In Table A.6 (Upper Arkansas River Basin), Hefner Lake and its designated and existing uses are added, and an additional "waterbody ID number" is added to Great Salt Plains Reservoir. The intended effect of these changes to Appendix A is to update waterbody information, uses, and antidegradation classifications.

Appendix B, "Areas with Waters of Recreational and/or Ecological Significance", is proposed to be revoked and reenacted with deletions, modifications and additions of new areas/waters. The amendments proposed include both Tables 1 and 2 of Appendix B. Modifications to Table 1 include the deletion of certain areas that no longer exist or were incorrectly named, the addition of several new wildlife management areas and state parks including the water quality management segment, and the modification of certain names. Modifications to Table 2 include revisions to some existing descriptive language of "protected area/water and the addition of new "protected area/water", including the Verdigris, Illinois, and Elk Rivers. Additionally, a new column is added to Table 2 to clarify endangered or threatened species that are protected in the area/water. The intended effect of this language is to update areas and waters protected under the Appendix B antidegradation classification.

Appendix G, "Numerical Criteria to Protect Beneficial Uses", is proposed to be revoked and reenacted with modifications to introductory material and Tables 2 and 3. Changes in the introduction include the addition of frequency and duration language to paragraph (a) and the deletion of subsection (3) in paragraph (b). Also, these amendments are proposed to: 1) speciate arsenic 3 and trivalent and hexavalent chromium, 2) delete parameters MBAS and 2-4-5-TP silvex and associated criteria, and 3) revise numeric criteria for certain parameters contained under the "Fish and Wildlife Propagation" headings for Table 2. "Numerical Criteria to Protect Beneficial Uses and All Subcategories Thereof". The changes also add new footnotes under Table 2 to describe alternative applications of the frequency and duration components of certain criteria, as generalized in the Appendix G introduction. Additionally, new conversion factors are added to Table 3. Conversion Factors for Total to Dissolved Fractions. The intended effect of these amendments are to update aquatic life criteria in order to fully protect the Fish and Wildlife Propagation beneficial use and to be consistent with criteria currently recommended by the United States Environmental Protection Agency.

Appendix E, "Requirements For Development of Site-Specific Criteria For Certain Parameters", is proposed to be revoked and reenacted with revisions to some of the calculated site specific criteria options for certain dischargers. These include the City of Broken Bow (zinc), the City of Blackwell (cadmium), the City of Idabel (nickel and zinc), and City of Poteau (zinc). The circumstance which created the need for this amendment was revisions to aquatic life criteria in Appendix G, Table 2, as described in the preceding paragraph. The intended effect of this amendment is to provide updated calculated information for the implementation of the various options related to site-specific criteria for these municipalities.

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 data, views, or arguments orally or in writing may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 12:00 P.M. on January 19, 2016.

PUBLIC HEARING:

A public hearing will be held January 19, 2016 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma.

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, 2015 through January 19, 2016, 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 12:00 P.M. on January 19, 2016.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed 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 upon prepayment of the copying charge. 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 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, Water Quality Standards Section Head, 405/530-8800.