OKLAHOMA WATER RESOURCES BOARD

RULE IMPACT STATEMENT

for Rule Amendments in OAC 785:45
Proposed or Considered for Adoption during 2016

A. A BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES.

Oklahoma Water Resources Board (OWRB) staff are proposing to amend provisions of the Oklahoma Water Quality Standards (WQS) codified in Oklahoma Administrative Code (OAC) 785:45 as presented below.

Technical documentation supporting the proposed amendments/rules outlined below is posted on the OWRB website (http://www.owrb.ok.gov/util/rules/wqs_revisions.php). The OWRB hosted informal public meetings to discuss the proposed amendments on August 26, 2015, October 1, 2015, and October 27, 2015. During and since these meetings, OWRB staff received a limited amount of specific information/comments regarding the proposed rules and subjects B through J below. However, in all cases OWRB staff worked to be responsive to the comments/information received from both other state environmental agencies and/or interested parties. In the absence of specific information from other state environmental agencies and/or interested parties, OWRB staff evaluated subjects B through J in a broad manner.

Proposed Sensitive Water Supply (SWS) Reuse Antidegradation Classification

The proposed amendment creates a new discretionary antidegradation classification for SWS lakes: SWS-Reuse (SWS-R). The current SWS antidegradation classification for reservoirs is a Tier 2 classification under the WQS Antidegradation Policy, which provides additional protection to certain public water supply reservoirs and their watersheds (785:45-5-25(c)(4) & 785:46-13-4). The SWS waterbody additional protections include prohibitions on new point source discharges and increased loading from existing discharges. However, since the SWS provisions were originally adopted, state demographics and prolonged drought conditions have changed regional water use demand. The need has arisen for the state to explicitly balance the combined goals of water quality protection and reliable water supplies. Thus, the creation of a new antidegradation classification SWS-R establishes a regulatory pathway for parties to implement water reuse projects to augment water supply, while still protecting water quality and public health.

A new subsection (785:45-5-25(c)(8)(c)) is proposed and will contain the SWS-R provisions. The proposed SWS-R antidegradation classification provides a framework to allow new discharges or increased loads from existing discharges to SWS-R waterbodies under certain conditions. Generally, the SWS-R provisions address: 1) a minimum level of effluent quality, 2) documentation and potential consumption of waterbody assimilative capacity, 3) protection of existing and designated beneficial uses, 4) protection of human health, and 5) water quality assessment every 5 years. Additionally, the definition section (785:45-1-2.) is proposed to be amended to include a definition for the term SWS-R. The chlorophyll-*a* criterion for the protection of public and private water supplies shall also be applied to SWS-R waterbodies (785:45-5-10). Finally, parts of the WQS section *Implementation Policies for the Antidegradation Policy Statement* (785:45-5-25) will be amended to include SWS-R.

Proposed Updates to Aquatic Life Criteria

Amendments are proposed to update aquatic life criteria for the protection of the Fish and Wildlife Propagation beneficial use. The proposed amendments revoke and reenact Appendix G (785:45 Appendix G) with additions to the introductory language specifying the duration and frequency components of the criteria and revisions to eleven criteria in Table 2. The Table 2 revisions include, 1) speciation of arsenic 3 and trivalent and hexavalent chromium, 2) revised numeric criteria for certain parameters listed under the *Fish and Wildlife Propagation* heading, and 3) deletion of the MBAS and 2-4-5-TP silvex criteria under the *Fish and Wildlife Propagation* heading. The changes also include new footnotes, as part of Table 2, to describe alternative applications of criteria frequency and duration for certain parameters. Additionally, new conversion factors for trivalent and hexavalent chromium are added to Table 3.

Appendix E (785:45 Appendix E) is proposed to be revoked and reenacted with revisions to some of the calculated site-specific criteria options for particular discharges. The site-specific criteria in Appendix E must be revised to reflect the updated statewide criteria in Appendix G.

The purpose of the proposed rules is to fully protect the Fish and Wildlife Propagation beneficial use. Many of Oklahoma's aquatic life criteria were adopted in 1988, and since this time, updated toxicological information for several parameters has established the need for revised criteria.

Proposed Updates to Appendix B

Appendix B (785:45 Appendix B), *Areas with Waters of Recreational and/or Ecological Significance*, is proposed to be revoked and reenacted with revisions to both Table 1 and Table 2. Appendix B generally identifies waters and areas within the boundaries of National and State Parks, forests, wilderness areas, wildlife management areas and refuges, and areas inhabited by threatened and endangered species. Waters listed in Appendix B are provided Tier 2 protection under the Antidegradation Policy (785:45-5-25(2), 785:46-13-6).

The tables in Appendix B require consistent updating because new recreational and wildlife management areas may be formed by the appropriate responsible agency and new endangered or threatened species may be designated by the United States Fish and Wildlife Service (USFWS) under the Endangered Species Act. To ensure accurate updates, OWRB staff solicited various partners with responsibilities in these areas, including the Oklahoma Department of Tourism, Oklahoma Department of Wildlife Conservation, the National Parks Service, and the USFWS. Through their assistance, staff has identified new areas and segments to be included in Tables 1 and 2. Also, for information purposes, Table 2 now lists the protected species.

Proposed Updates to Appendix A

Appendix A, including A.1 through A.7 (785:45 Appendix A), *Designated Beneficial Uses for Surface Waters* is proposed to be revoked and reenacted with several changes. The waterbody identification (ID) number for Great Salt Plans Reservoir (Appendix A.6) is changed in order to be consistent with the waterbody ID prescribed by the Oklahoma Department of Environmental Quality (ODEQ) in the ATTAINS database.

The High Quality Water (HQW) antidegradation classification will be restored to Appendix A.1 for Saline and Little Saline Creeks. These creeks were classified as HWQ as part of the 2010-2011 OWRB rulemaking; however, the HWQ classification was inadvertently removed during the subsequent 2012 rulemaking. This editorial error occurred due to a document version control mistake during the 2012 rulemaking. This is a non-substantive correction to Appendix A.1.

Appendix A.6 is revised to list Hefner Lake and designate its beneficial uses. The beneficial uses designated for Hefner Lake include the existing use as a public and private water supply (PPWS) and the default beneficial use designations of warm water aquatic community (WWAC), primary body contact recreation (PBCR), irrigation agriculture (AG), and aesthetics (AES) (785:45-8-3(b)(1)). Hefner Lake is a regionally important reservoir and should be included in Appendix A.

Appendix A.1 is also proposed to be revoked and reenacted to designate the Arkansas River from the mouth of the Verdigris River to Keystone Dam as primary body contact recreation (PBCR). A review of recent information has confirmed that the existing use on this reach of the Arkansas River is PBCR, and it is both desirable and good practice to ensure that a given waterbody's designated uses accurately reflect the existing uses. At the same time, this river reach has long been protected with criteria associated with the PBCR beneficial use even though the beneficial use designation listed in Appendix A was secondary body contact recreation (SBCR). This action will designate the PBCR beneficial use and apply the associated criteria in a consistent manner. This revision also satisfies the Clean Water Act requirement to review waterbody beneficial use designations and upgrade less than swimmable and fishable uses where new data support the beneficial use upgrade.

B. A DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULES, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically create a regulatory obligation for any class of persons. The class of persons most likely to utilize the proposed rule would be municipal wastewater treatment operations and/or water supply providers if they seek to reclassify a waterbody from SWS to SWS-R in order to implement a future water reuse project.

No class of persons will be required to bear a cost due to OWRB creating the SWS-R classification.

OWRB did not receive any cost information from any private or public entity.

Proposed Updates to Aquatic Life Criteria

The classes of persons most likely to be affected by the proposed rules are Oklahoma Pollutant Discharge Elimination System (OPDES) permittees. Currently, about 10 percent of permitted facilities have a limit for one or more of the toxic substances for which updated criteria are

proposed. It is estimated statewide that about 30 percent of permitted facilities will require a review, as part of the next permit cycle, to determine if new permit limits are necessary. However, it is expected that only a small number of facilities will receive new permit limits. This expectation is based upon the fact that only a small number of facilities currently have permit limits for the relevant parameters.

The proposed amendments have cost implications associated with updated criteria for toxic substances to protect aquatic life. The anticipated cost implications are generally associated with chemical screening and monitoring and with the additional treatment of wastewater that may be needed to meet the updated criteria. In general, any costs associated with compliance for the updated criteria for toxic substances will be determined by the size and current condition of a treatment facility, the extent of current controls, and the nature of the wastewater and receiving waters. The variability of factors associated with any facility or process changes required to comply with the proposed rules precludes the calculation of specific costs associated with attaining the proposed criteria for toxic substances.

Additionally, state agencies that conduct water quality assessments to determine the attainment or nonattainment of beneficial uses and individuals and other groups, such as universities, that utilize the state's WQS to evaluate waterbodies will be affected. The impact of the proposed updated aquatic life criteria will be beneficial because it will fully protect the fish and wildlife propagation beneficial use and support consistent and correct water quality assessments.

OWRB did not receive any cost information from any private or public entity.

Proposed Updates to Appendix B

The classes of persons most likely to be affected by the proposed rules are those state agencies that implement the standards and other groups such as, federal agencies, universities, and members of the public that may utilize the standards. The proposed actions provide updated information on protected waterbody areas and areas that contain federally listed threatened or endangered species; direct costs are not expected to any affected class of persons.

OWRB did not receive any cost information from any private or public entity.

Proposed Updates to Appendix A

The classes of persons most likely to be affected by the proposed rule are those state agencies that conduct water quality assessments to determine the attainment or nonattainment of beneficial uses and OPDES permittees. Additionally, individuals and other groups, such as universities, that utilize the state's WQS to evaluate waterbodies could be affected.

The impact of the proposed beneficial use designations will be advantageous because the proposed revisions serve to make consistent the waterbody beneficial use designation and applicable criteria for a segment of the Arkansas River and Hefner Lake. The PBCR criteria has long been applied to the specified Arkansas River segment, even though it was designated SBCR; thus, it is not expected that any OPDES permit limits will change. Similarly, the existing beneficial uses (PPWS, WWAC, PBCR, AG, and AES) of Hefner Lake have long been protected under various water quality implementation programs and this action simply formally designates those beneficial uses.

The amendment proposed to Appendix A.6 will edit the waterbody ID for Great Salt Plans Reservoir; state agency staff and others will benefit from clear consistent water quality standards.

The HQW classification for Saline and Little Saline Creeks is an editorial correction and impacts are not expected to any class of persons.

The proposed Appendix A revisions work to improve the clarity and consistency of Oklahoma's water quality standards; there are no expected costs as a result of this revision. OWRB did not receive any cost information from any private or public entity.

C. A DESCRIPTION OF THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

The class of persons most likely to benefit from the proposed rule would be municipal wastewater treatment operations and/or water supply providers if they seek to reclassify a waterbody from SWS to SWS-R in order to implement future water reuse projects. Additionally, Oklahoma residents benefit from sound public policy balancing the combined goals of water quality protection and reliable water supplies.

Proposed Updates to Aquatic Life Criteria

There will be considerable public benefit as a direct result of implementing the proposed updated aquatic life criteria for toxic substances. Oklahoma residents and recreational visitors will benefit from the protection of aquatic life resources and improved condition of surface waters around the state.

Proposed Updates to Appendix B

The classes of persons who will benefit from the proposed rules are groups such as, federal agencies, state environmental agency staffs, universities, and members of the public that may utilize the standards from time to time. These groups will benefit from updated and correct information.

Proposed Updates to Appendix A

The proposed updates to Appendix A improve the clarity and consistency of the WQS. The classes of persons who will benefit from the proposed updates include, state environmental agency staff, individuals, and other groups, such as universities, that utilize the state's WQS.

D. A DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LISTING OF ALL FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically create a regulatory obligation for any class of persons or political subdivision. Creation of the SWS-R classification is not expected to cause a direct economic impact.

There are no fee changes included in the proposed rules.

Proposed Updates to Aquatic Life Criteria

The proposed amendments have cost implications associated with updated criteria for toxic substances to protect aquatic life. The affected classes of persons include OPDES permittees, which can include political subdivisions. Currently, about 10 percent of permitted facilities have a limit for one or more of the toxic substances for which updated criteria are proposed. It is estimated statewide that about 30 percent of permitted facilities will require a review, as part of the next permit cycle, to determine if new permit limits are necessary. However, it is expected that only a small number of facilities will receive new permit limits. This expectation is based upon the fact that only a small number of facilities currently have permit limits for the relevant parameters.

The anticipated cost implications are generally associated with chemical screening and monitoring and with the additional treatment of wastewater that may be needed to meet the updated criteria. In general, any costs associated with compliance for the updated criteria for toxic substances will be determined by the size and current condition of a treatment facility, the extent of current controls, and the nature of the wastewater and receiving waters. The variability of factors associated with any facility or process changes required to comply with the proposed rules precludes the calculation of specific costs associated with attaining the proposed criteria for toxic substances.

OWRB staff did not receive any information from affected persons, political subdivisions, or other state agencies regarding the probable economic impact of the proposed rules.

There are no fee changes included in the proposed rules.

Proposed Updates to Appendix B

The proposed actions provide updated information on protected waters and areas that contain federally listed threatened or endangered species. It does not change the framework of water quality standards protection for these areas. The proposed rule is not expected to cause an economic impact on affected persons or political subdivisions.

OWRB staff did not receive any information from affected persons, political subdivisions, or other state agencies regarding the probable economic impact of the proposed rules.

There are no fee changes included in the proposed rules.

Proposed Updates to Appendix A

The proposed beneficial use designations for the Arkansas River and Hefner Lake are expected to have limited economic impact on political subdivisions or affected classes of persons

because permitted discharges to these waterbodies already have permit limits protective of the proposed use designations.

The proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks work to improve the clarity and consistency of Oklahoma's water quality standards. There is no expected economic impact as a result of these revisions.

There are no fee changes included in the proposed rules.

E. THE PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULES, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN STATE REVENUES IF IT CAN BE PROJECTED BY THE AGENCY.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

Oklahoma's state environmental agencies, including OWRB, currently implement and/or enforce water quality standards under their respective jurisdictions. Because SWS-R is a wholly new waterbody classification new or revised implementation programs may be necessary. This proposed rule was drafted cooperatively between the OWRB, ODEQ, and the Water Reuse Workgroup and in response to legislative direction. It is expected by both OWRB and ODEQ that subsequent planning and other actions will be necessary in order for interested parties to utilize the new SWS-R provision and develop water reuse projects in the future. Specifically, OWRB anticipates additional rulemaking to adopt general implementation procedures related to the proposed rules. In this case, some additional costs will be borne by the OWRB. However, this potential rulemaking action would provide an overall benefit to OWRB, other state agencies, and the regulated community by providing a transparent and consistent approach to implementing SWS-R provisions.

OWRB did not receive any information on probable costs and benefits to implement and enforce the proposed rules from any agency. The proposed rules are not expected to have any effect on state revenues.

Proposed Updates to Aquatic Life Criteria

Oklahoma's state environmental agencies, including OWRB, currently implement and/or enforce water quality standards through existing programs under their respective jurisdictions. The proposed rules do not create any new implementation programs. This proposed action will update the criteria values for toxic substances currently indentified in the WQS. It is not expected that this action will require any agency to modify their implementation and/or enforcement activities.

State agencies that conduct water quality assessments to determine the attainment or nonattainment of beneficial uses will utilize the updated criteria to determine if a waterbody is impaired. If a waterbody is found to be impaired (not attaining its beneficial uses) it will be necessary for agency(s) to develop plans such as, a watershed based plan or Total Maximum

Daily Load to improve water quality. These plans and subsequent implementation actions are part of existing programs and do not create new responsibilities for any agency.

It is not expected that this update will generate any cost or benefit for any state agency. The proposed rules are not expected to have any effect on state revenues.

Proposed Updates to Appendix B

Oklahoma's state environmental agencies, including OWRB, currently implement and/or enforce water quality standards through existing programs under their respective jurisdictions. The proposed rules do not create any new implementation programs. The proposed actions to Appendix B provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. It is expected that state agencies will utilize the updated information in established implementation programs.

It is not expected that this action will generate any cost or benefit for any state agency. OWRB did not receive any information on probable costs and benefits to implement and enforce the proposed rules from any agency. The proposed rules are not expected to have any effect on state revenues.

Proposed Updates to Appendix A

Oklahoma's state environmental agencies, including OWRB, currently implement and/or enforce water quality standards through existing programs under their respective jurisdictions. The proposed rules do not create any new implementation programs or requirements.

The proposed beneficial use designations serve to make consistent the waterbody beneficial use designation and applicable criteria for a segment of the Arkansas River and Hefner Lake. Similarly, the proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks work to improve the clarity and consistency of Oklahoma's water quality standards. It is expected that state agencies will utilize the updated information in established implementation programs.

It is not expected that this action will generate any cost or benefit for any state agency. OWRB did not receive any information on probable costs and benefits to implement and enforce the proposed rules from any agency. The proposed rules are not expected to have any effect on state revenues.

F. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE RULES.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

Political subdivisions are not expected to have implementation or enforcement responsibilities associated with the proposed rules. This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically

create a regulatory obligation for any political subdivision. The proposed rule is not expected to cause an economic impact on political subdivisions. However, in the future if a political subdivision seeks to reclassify a waterbody from SWS to SWS-R in order to implement a water reuse project, they will have responsibilities and cooperation would be beneficial.

Proposed Updates to Aquatic Life Criteria

Political subdivisions are not expected to have implementation or enforcement responsibilities associated with the proposed rules. However, political subdivisions such as, counties and/or municipalities that are required to obtain an OPDES permit for discharges may have compliance responsibilities and cooperation would be beneficial.

The anticipated cost implications are generally associated with chemical screening and monitoring and with the additional treatment of wastewater that may be needed to meet the updated criteria. In general, any costs associated with compliance for the updated criteria for toxic substances will be determined by the size and current condition of a treatment facility, the extent of current controls, and the nature of the wastewater and receiving waters. The variability of factors associated with any facility or process changes required to comply with the proposed rules precludes the calculation of specific costs associated with attaining the proposed criteria for toxic substances.

Proposed Updates to Appendix B

Political subdivisions are not expected to have implementation or enforcement responsibilities associated with the proposed rules. The proposed actions provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. The proposed update does not change the framework of water quality standards protection for the areas listed in Appendix B. The proposed rule is not expected to cause an economic impact on political subdivisions.

Proposed Updates to Appendix A

Political subdivisions are not expected to have implementation or enforcement responsibilities associated with the proposed rules. The proposed beneficial use designations serve to make consistent the waterbody beneficial use designation and applicable criteria for a segment of the Arkansas River and Hefner Lake. Moreover, the proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks work to improve the clarity and consistency of Oklahoma's water quality standards. The proposed updates do not create any new regulatory obligations or change the framework of water quality standards protection. The proposed rule is not expected to cause an economic impact on political subdivisions.

G. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically create a regulatory obligation for any small

business (defined in 75 O.S. § 502) or other party. The proposed rule is not expected to have an adverse economic impact on any small business.

Proposed Updates to Aquatic Life Criteria

It is possible that there may be an economic effect on small businesses (defined in 75 O.S. § 502) if the small business is required to obtain an OPDES permit for discharge of wastewater. The proposed updated aquatic life criteria for toxic substances will be implemented through the OPDES program and it is reasonable to expect compliance responsibilities.

The anticipated cost implications are generally associated with chemical screening and monitoring and with the additional treatment of wastewater that may be needed to meet the updated criteria. In general, any costs associated with compliance for the updated criteria for toxic substances will be determined by the size and current condition of a treatment facility, the extent of current controls, and the nature of the wastewater and receiving waters. The variability of factors associated with any facility or process changes required to comply with the proposed rules precludes the calculation of specific costs associated with attaining the proposed criteria for toxic substances.

Proposed Updates to Appendix B

The proposed revisions to Appendix B are not expected to have an adverse economic effect on small business (defined in 75 O.S. § 502). The proposed actions provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. The proposed update does not change the framework of water quality standards protection for the areas listed in Appendix B and will not create additional costs for any small business.

Proposed Updates to Appendix A

The proposed revisions to Appendix A are not expected to have an adverse economic effect on small business (defined in 75 O.S. § 502). The proposed beneficial use designations serve to make consistent the waterbody beneficial use designation and applicable criteria for a segment of the Arkansas River and Hefner Lake. Moreover, the proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks work to improve the clarity and consistency of Oklahoma's water quality standards. The proposed updates do not create any new regulatory obligations or change the framework of water quality standards protection and will not create any additional cost for small business.

H. AN EXPLANATION OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically create a regulatory obligation for any party. Thus, there are not expected to be compliance costs associated with creating SWS-R

antidegradation classification. Additionally, this proposed rule will benefit parties seeking to reclassify a waterbody from SWS to SWS-R in order to implement future water reuse projects. Also, Oklahoma residents will benefit from sound public policy balancing the combined goals of water quality protection and reliable water supplies.

Proposed Updates to Aquatic Life Criteria

In accordance with the Clean Water Act, states have an obligation to adopt water quality criteria for toxic substances and ensure protection of aquatic life beneficial uses. The proposed updated aquatic life criteria fulfill this requirement and ensure that Oklahoma's waterbodies are protected from toxic substances. These criteria are based on updated toxicological information and data were rigorously evaluated to ensure applicability to Oklahoma's waterbodies. Additionally, it is Oklahoma's desire to ensure protection of our aquatic resources. This proposed rule will benefit Oklahoma residents and recreational visitors through protection of aquatic life resources and improved condition of surface waters around the state. The proposed rule is less intrusive than EPA promulgation of similar or more restrictive rules.

Proposed Updates to Appendix B

The proposed actions provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. The proposed update does not change the framework of water quality standards protection for the areas listed in Appendix B. This action will benefit both state agency staff and the public because the standards will provide current and consistent information.

The proposed rules provide updated information and do not create any new regulatory programs. This action is not expected to generate compliance cost and OWRB staff did not receive any expected compliance cost information from other state agencies and/or interested parties.

Proposed Updates to Appendix A

The proposed actions of designating beneficial uses and consistently applying the applicable criteria for a segment of the Arkansas River and Hefner Lake does not create any new compliance obligation or cost because permitted discharges to these waterbodies already have permit limits protective of the proposed use designations.

The proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks work to improve the clarity and consistency of Oklahoma's water quality standards and does not create any new regulatory obligations or change the framework of water quality standards protection. Therefore, no new compliance costs are anticipated.

OWRB staff did not receive any expected compliance cost information from other state agencies and/or interested parties.

I. A DETERMINATION OF THE EFFECT OF THE PROPOSED RULES ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH,

SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R classification; the SWS-R classification is not self implementing and does not automatically create a regulatory obligation for any party. The creation of a new antidegradation classification SWS-R establishes a pathway for parties to implement future water reuse projects to augment water supply, while still protecting water quality and public health.

Proposed Updates to Aquatic Life Criteria

Aquatic life criteria address the state's water quality goal of providing for the protection and propagation of fish and wildlife. These criteria are based solely on data and toxicological effects of a given parameter on aquatic life. Aquatic life criteria for toxic parameters are determined based on the results of toxicity tests with aquatic organisms in which unacceptable effects on growth, reproduction, or survival occurred. Criteria are designed to be protective of the majority of aquatic animal species in an aquatic community (i.e., approximately the 95th percentile of tested aquatic animals representing the aquatic community).

This proposed rule will benefit Oklahoma residents and recreational visitors through protection of aquatic life resources and improved condition of surface waters around the state.

Proposed Updates to Appendix B

The proposed actions provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. The proposed update does not change the framework of water quality standards protection for the areas listed in Appendix B. However, updating the information listed in Appendix B will ensure that important waterbodies receive the protection required by the WQS.

Proposed Updates to Appendix A

The proposed actions of designating beneficial uses and consistently applying the applicable criteria for a segment of the Arkansas River and Hefner Lake does not create a new regulatory framework and is not expected to result in changes to existing permitted discharges because discharges to these waterbodies already have permit limits protective of the proposed use designations. The proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks do not create any new regulatory obligations or change the framework of water quality standards protection. These proposed rules do not have a direct effect on public health, safety or the environment. The objective and benefit of the proposed rules is to improve the clarity and consistency of Oklahoma's water quality standards.

J. A DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.

Proposed Sensitive Water Supply Reuse Antidegradation Classification

This proposed action simply establishes the SWS-R antidegradation classification. There are no anticipated adverse effects to public health, safety or the environment if this proposed action is not implemented. However, the creation of a new antidegradation classification SWS-R establishes a regulatory pathway for parties to implement water reuse projects to augment water supply, while still protecting water quality and public health. Without this action parties seeking to implement a water reuse project on SWS waterbodies will need to attain the more stringent protections associated with the existing SWS classification.

Proposed Updates to Aquatic Life Criteria

Many of Oklahoma's existing aquatic life numeric criteria were adopted as part of Oklahoma's 1988 triennial review of water quality standards. Since 1988, updated toxicological information has resulted in revisions to several of these criteria, and OWRB needs to update the state's numeric aquatic life criteria to fully protect the fish and wildlife propagation beneficial use. Because the existing aquatic life criteria are outdated, these values allow for toxic amounts of substances to be present in Oklahoma's lakes and rivers. The proposed updated criteria are essential to limit the amount of toxic substances in waterbodies and fully protect fish and wildlife. This proposed rule will benefit Oklahoma residents and recreational visitors through protection of aquatic life resources and improved condition of surface waters around the state.

Proposed Updates to Appendix B

The proposed actions provide updated information on waters with recreational and/or ecological significance and areas that contain federally listed threatened or endangered species. The adverse impact to the environment of not adopting this proposed rule would be that important recreational and ecological waterbodies and areas with threatened or endangered species will not receive the protections warranted by the WQS.

Proposed Updates to Appendix A

The proposed actions of designating beneficial uses and consistently applying the applicable criteria for a segment of the Arkansas River and Hefner Lake does not create a new regulatory framework and is not expected to result in changes to existing permitted discharges because discharges to these waterbodies already have permit limits protective of the proposed use designations. The proposed waterbody ID update (Appendix A.6) and HQW editorial correction for Saline and Little Saline Creeks do not create any new regulatory obligations or change the framework of water quality standards protection. There are no anticipated adverse effects to public health, safety or the environment if these proposals are not implemented.

K. THE DATE THE RULE IMPACT STATEMENT WAS PREPARED AND IF MODIFIED, THE DATE MODIFIED:

This rule impact statement was prepared and approved on December 1, 2015 by Monty Porter, Section Head, Water Quality Standards Section, Water Quality Programs Division, Oklahoma Water Resources Board.