

OKLAHOMA WATER QUALITY STANDARDS 2015-2016 TRIENNIAL RULEMAKING

Oklahoma Water Resources Board
3rd Informal Public Meeting
October 27, 2015

Today's Meeting

- Review of the 2015 Triennial Rulemaking
- Rulemaking Updates
 - Aquatic Life Criteria Updates
 - Appendix B Updates
- Opportunity for Public Solicitation of Revision Topics
- Discuss Formal Rulemaking Process and Dates

Review of Triennial Rulemaking

Appendix A Revisions

- Little Saline and Saline Creeks
- Great Salt Plains Reservoir
- Hefner Lake
- Arkansas River



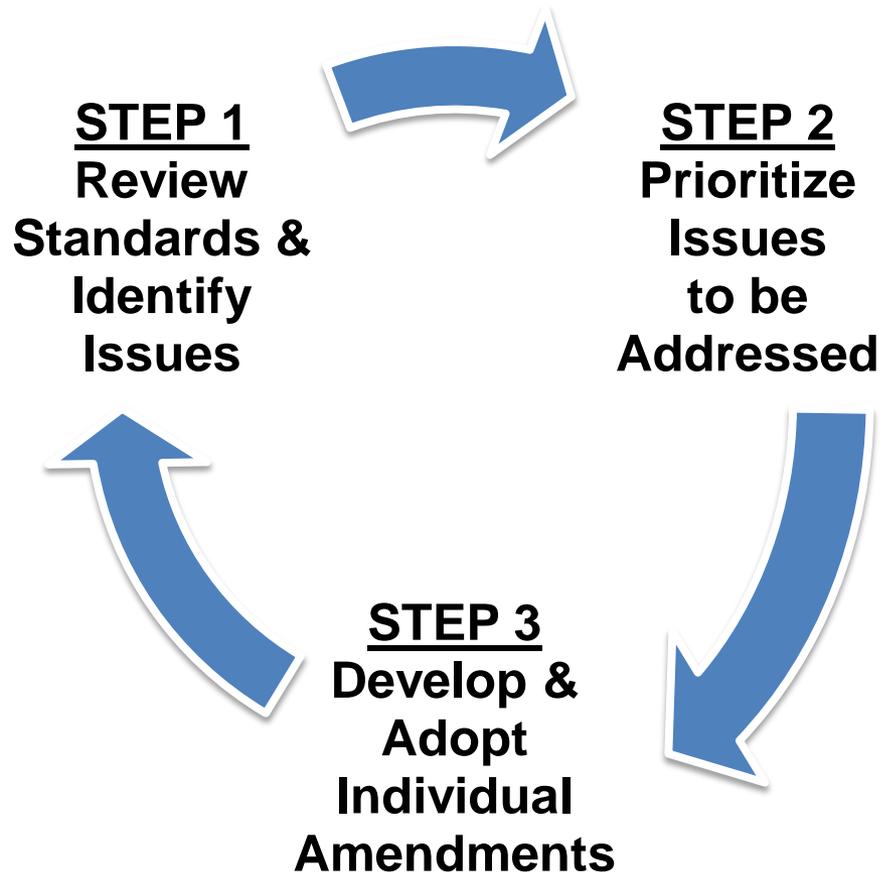
Sensitive Water Supply - Reuse

- Provides framework for reclassification of Sensitive Water Supplies for Reuse (SWS-R)
- Create a pathway for discharge of treated municipal wastewater into SWS lakes for augmentation
- Protect Water Quality
 - Protect public health and aquatic ecosystems
 - Protect all lake existing and designated beneficial uses
- Create a deliberative, consistent approach for Antidegradation Review

What's Next for SWS-R?

- What is not in this revision?
 - Does not reclassify any SWS waterbodies
 - Reclassification of a particular waterbody must occur through rulemaking
 - Specific implementation and technology rules
- Implementation Revisions
 - OAC 785:46-13-4(e) is reserved for new rules
 - These new rules will be developed in coordination with the ODEQ's rules for indirect potable reuse
 - Planning for 2016-2017 Interim Rulemaking

Triennial Review Planning Process



Potential Projects

- Methylmercury Human Health Criterion
 - Ammonia Aquatic Life Criteria
 - Minerals Criteria Revision
 - Human Health Criteria updates
 - Reformat Appendix A
- All projects expected to have technical workgroup & stakeholder participation



Aquatic Life Criteria updates

Aquatic Life Criteria Updates

- Ambient numeric water quality criteria for toxic pollutants
- Located in Appendix G of Oklahoma WQS
- Implemented through various WQ programs
- Current criteria adopted in 1988
- Updated toxicological information directs need to update criteria
- Updates are necessary to fully protect the Fish & Wildlife Propagation beneficial use

Aquatic Life Criteria Updates

- Arsenic 3
- Chromium 3
- Chromium 6
- Cadmium
- Nickel
- Silver
- Zinc
- Endrin
- Pentachloroophenol
- Dieldrin
- Lindane

Criteria Format - Magnitude, Duration, Frequency

- Criteria are expressed with 3 components
 - Magnitude - maximum concentration
 - Duration - averaging period
 - Frequency - average frequency of allowed excursions

Aquatic Life Criteria Updates

Parameter	Acute (ug/L) 1-hour avg.	Chronic (ug/L) 4-day avg.	Frequency
Arsenic 3	340	150	Not to be exceeded more than once per 3 years on avg.
Chromium 3	1022	49	Not to be exceeded more than once per 3 years on avg.
Chromium 6	16	11	Not to be exceeded more than once per 3 years on avg.
Cadmium	1.03 (24-hour avg.)	0.15	Not to be exceeded more than once per 3 years on avg.
Nickel	261	29	Not to be exceeded more than once per 3 years on avg.
Silver	0.98	N/A	Shall not be exceeded at any time

Metals values presented were calculated at hardness of 50 mg/L as an example

Aquatic Life Criteria Updates

Parameter	Acute (ug/L) 1-hour avg.	Chronic (ug/L) 4-day avg.	Frequency
Zinc	67	N/A	Not to be exceeded more than once per 3 years on avg.
Endrin	0.086	0.036	Not to be exceeded more than once per 3 years on avg.
Pentachlorophenol	5.28	4.05	Not to be exceeded more than once per 3 years on avg.
Dieldrin	0.24	0.056	Not to be exceeded more than once per 3 years on avg.
Lindane	0.95	N/A	Not to be exceeded more than once per 3 years on avg.

Metals values presented were calculated at hardness of 50 mg/L as an example



Site-Specific Metals Criteria Update

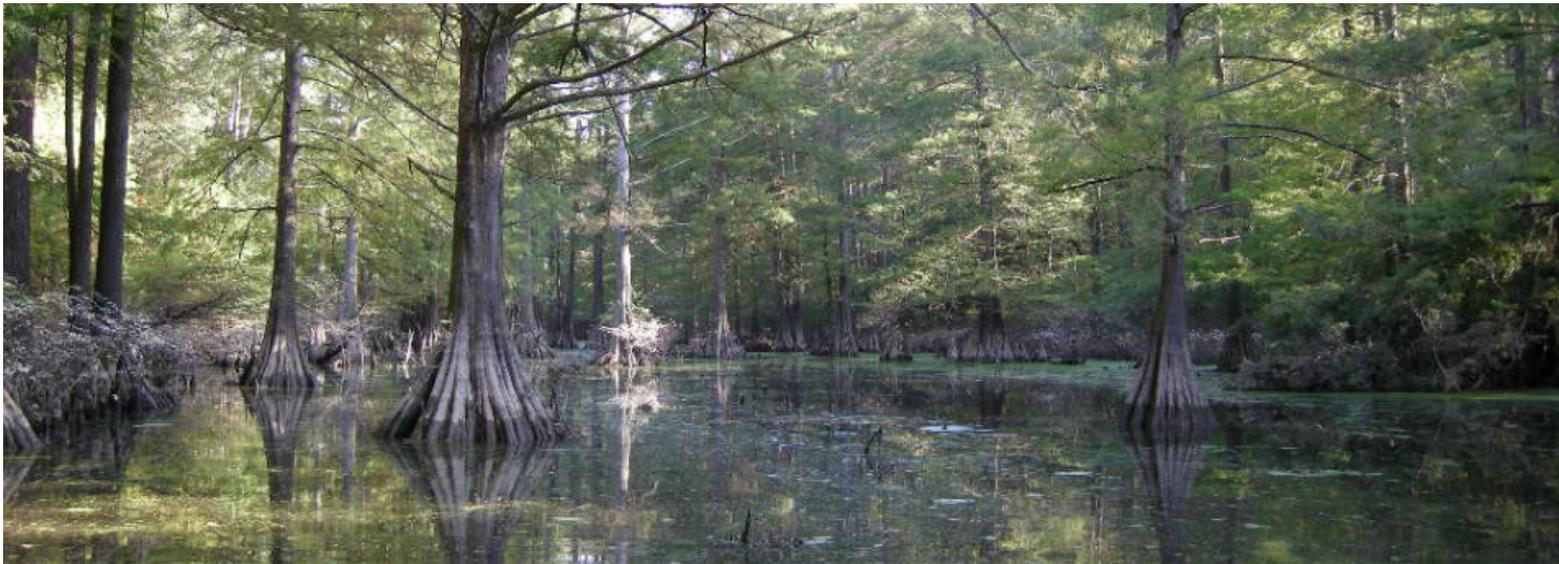
- Appendix E
 - Site Specific Metals criteria based on water effects ratio and dissolved translator
 - Site Specific Metals Criteria updated to reflect updated criteria
- ✓ More details in DRAFT staff report

Appendix B Updates

“AREAS WITH WATERS OF RECREATIONAL
AND/OR ECOLOGICAL SIGNIFICANCE”

Appendix B Update

- Under Oklahoma's antidegradation policy, are Tier 2 Waterbodies
- *“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”*
- Appendix B Includes 2 Tables:
 - Areas of special interest include national/state parks and forests, wildlife management areas and refuges
 - Areas and waters which contain federally listed threatened or endangered species



Appendix B Update

- Previous update was in 2006
- Revision performed in collaboration with:
 - Oklahoma Department of Wildlife Conservation
 - US Fish and Wildlife Service
 - Oklahoma Department of Tourism
 - National Parks Service
 - Forestry Services



Leopard Darter
(*Percina pantherina*)



Neosho Madtom
(*Noturus placidus*)

Appendix B Update

- Table 1
 - Several new Wildlife Management Areas
 - New State Parks added
 - Revised or corrected various names
- Table 2
 - New areas protecting the Neosho mucket (endangered) and the rabbitsfoot (threatened) mussels
 - Protected areas include portions of the Verdigris River, Illinois River, and Elk River
 - Table revised to include the federally listed species (for informational purposes only)



Neosho mucket mussel
(*Lampsilis rafinesqueana*)



Rabbitsfoot mussel
(*Quadrula cylindrica*)

Public Solicitation

- Part of the triennial revision is to more fully engage the public in the revision process
- Staff actively solicit public concerns with and needed revisions to the WQS through mail, meetings, and at each informal stakeholder meeting
- Topics may or may not be fully reviewed and added for the 2015 revision but will be considered for future interim revisions

REVISION TIMELINE

Preparatory Activities for Standards Revisions	Dates
Stakeholder meetings	August 26 & October 1, 2015
Informal public meeting	October 27, 2015
→ Notice of Rulemaking Intent (NRI) submitted to Office of Administrative Rules	November 25, 2015
NRI & proposed text submitted to Governor & Cabinet Secretary	November 25, 2015
NRI published in the Oklahoma Register & draft text available for review	December 15, 2015
Rule Impact Statement (RIS) published on web page	December 15, 2015
→ Draft Proposed Rules for Public Inspection	December 15, 2015
Notice distribution to stakeholders	“On or around “ December 15, 2015
→ Comment period – minimum 45 days	December 15, 2015–January 31, 2016
→ Formal Hearing at OWRB Board meeting to receive public comments	January 19 or February 16, 2016
Comment Responsiveness Summary prepared for Board	February – March, 2016
→ Final Proposed Rules Prepared for Board Vote	February – March 2016
Board Action to Adopt revised OWQS	February or March 2016
Agency Rule Report submitted to Legislature and Governor	February or March 2016
Legislative review & approval	Spring 2016
Gubernatorial review	Spring 2016
→ Final State Rule Promulgated & Published	September 2016
Attorney General Certification	September – November 2016
→ Submittal to EPA Region 6 (within 30 days of Attorney General Certification)	September – November 2016
→ EPA Review & Approval: 60-90 days	November 2016 – January 2017

Questions / Open Discussion

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