

Project 1

Title: 2007 –2009 Revision Of Oklahoma’s Water Quality Standards And Associated Implementation Documents.

Agency: Oklahoma Water Resources Board (OWRB)

Project Location: Statewide

Background

In order to produce a comprehensive program to assist in the prevention, control and abatement of pollution of the Waters of the State of Oklahoma, and in order to establish state standards which comply with the Federal Water Pollution Control Act, the Oklahoma Water Resources Board is authorized to promulgate rules to be known as "Oklahoma Water Quality Standards", which establish classifications of uses of waters of the state, criteria to maintain and protect such classifications, and other standards or policies pertaining to the quality of such waters. The Oklahoma Water Quality Standards program is continuing in a period of unprecedented growth and development. Major strides have been made toward the promulgation of new or evolution of existing narrative and numeric nutrient criteria, use support assessment protocols, anti-degradation language, water-effect-ratio studies and a host of other high profile issues that contribute to water quality management in this state. Many new issues dealing with creation of specific criteria or implementation strategies for existing criteria continue to arise and require immediate attention.

Objectives

The objective of this project will be to meet the requirements of a water quality standards revision outlined in the CWA, CFR, Oklahoma Administrative Procedures Act, and other applicable statutes and rules governing how water quality standards are revised and submitted. An additional objective of this project is to exceed the federal and state requirements for public participation and review of the standards with the informal public participation process traditionally implemented by the OWRB prior to the required formal steps.

The outcome of this project will be the 2008 and 2009 interim revisions of the Water Quality Standards and implementation rules, which meet outcome codes 40,41, and 43 as listed in the U.S. EPA Region VI FY 05 National Water Program Guidance for Oklahoma. The true environmental result of this project will be increased protection of water quality.

Project Tasks

Task 1.0 Supplemental funding for the 2007 – 2008 revision to water quality standards and implementation documents

Task 1.1 Identification of revision topics and replacement language.

Review of existing WQS and compilation of revision topics and revision language including research and committee meetings necessary to achieve effective revision language

Topics to be considered for rulemaking are brought to us from the public, from regulated entities and from other agencies. EPA R6 routinely provides several topics that are considered each rulemaking season including disputed items from previous revisions which region six has taken "no action". Also to be considered for rulemaking are UAAs and site-specific criteria in response to the needs of regulated stakeholders.

Proposed revisions to the implementation document are generally product of consultation between agencies and, when needed, topic specific committee input and deliberations. Topic specific committees are formed as needed to bring expertise and stakeholder input, for example the committee to address the need for an acute WET mixing zone involved state agencies, industrial, COG, municipal, consultants and US fish and wildlife service. Use support assessment protocol development is done utilizing a committee of state agencies and others involved with monitoring and assessment.

Topics under consideration at this time for the 2007- 2008 rulemaking

Topic	Rule chapter in OAC 785:	Initiating party
Background clarification	Ch 45 , 46	OWRB
Toxicity definition	Ch 45, 46	EPA
Adding PPWS to Source Water Lakes	Ch 45	EPA
New lakes for App A	Ch 45	OWRB
Correction to Corp Comm. App F listings	Ch 45	EPA – "no action"
S Fork Cavalry Creek UAA	Ch 45	OWRB - Monitoring
Site Specific Flow	Ch 45, Ch 46	EPA – "no action"
Use support assessment protocol revisions	Ch 46	State Assessment Group, OWRB
WER for City of Poteau	Ch 45	Regulated Entity
WBID corrections	Ch 45	OWRB
Add "boron" to narrative minerals text 45-5-9	Ch 45	Corporation Commission
Salt Plains Reservoir uses	Ch 45	OWRB Monitoring
Agriculture site specific criteria	Ch 45	Regulated Entity
WQSIP Revisions	Ch 45	OWRB
GW App H additions	Ch 45	DEQ, Corporation Commission.

The 2007- 2008 list includes a change to the rules to support assessment of sub lethal effects in WET testing and a review of source waterbodies without the public and private water supply beneficial use designation.

Time frame: April to December 2007

Deliverables: none

Task 1.2 Public participation

Public participation element including at least 3 informal meetings to discuss topics with the public, maintain all pertinent mailing lists including but not limited to those related to tribal interests, special interest groups, local government associations, discharge permit holders, newspapers and other interested parties as well as 1 formal hearing for the public to present comments.

Time frame: August 2007 to January 2008

Deliverables: none

Task 1.3 Development of procedural record

Development of documents to comply with the Oklahoma Administrative Procedures Act (and comparable federal rule)

Time frame: December 2007 to March 2008

Deliverables: none

Task 1.4 Completion of Legislative process

Completion of the Legislative process including finalization/promulgation of rules by OWRB, Attorney General certification, and Legislature and Governors review and approval.

Time frame: March 2008 to July 2008

Deliverables: none

Task 1.5 EPA submission

Final submission of draft language revisions to EPA Region VI for review and approval. Submittal packet including justification documents and draft revision language, Notice of Rulemaking Intent, Rule Impact Statement, comment response summary, small business impact assessment, Attorney General certification and Gubernatorial approval

Time frame: August 2009

Deliverables: submittal packet with draft language revisions

Task 2.0 Supplemental funding for the 2008 – 2009 revision to water quality standards and implementation documents

Task 2.1 Identification of revision topics and replacement language.

Revision topics will be compiled from EPA suggestions and requirements, from environmental agency input and from the public. Proposed revisions will be developed as needed with interagency consultation or with topic specific working groups. Topics for the 2008-2009 rule making will potentially include new nutrient criteria, aquatic life criteria recalculations human health criteria recalculations, and potentially some new site specific criteria for copper and lead based upon the biotic ligand model. The 2008-2009 rulemaking may also include additional implementation language concerning dilution and mixing zones for whole effluent toxicity implementation.

Time frame: April to December 2008

Deliverables: none

Task 2.2 Public participation

Public participation element including at least 3 informal meetings to discuss topics with the public, maintain all pertinent mailing lists including but not limited to those related to tribal interests, special interest groups, local government associations, discharge permit holders, newspapers and other interested parties as well as 1 formal hearing for the public to present comments.

Time frame: August 2008 to January 2009

Deliverables: none

Task 2.3 Development of procedural record

Development of documents to comply with the Oklahoma Administrative Procedures Act (and comparable federal rule)

Time frame: December to March 2009

Deliverables: none

Task 2.4 Completion of Legislative process

Completion of the Legislative process including finalization/promulgation of rules by OWRB, Attorney General certification, and Legislature and Governors review and approval.

Time frame: March to July 2009

Deliverables: none

Task 2.5 EPA submission

Final submission of draft language revisions to EPA Region VI for review and approval. Submittal packet including justification documents and draft revision language, Notice of Rulemaking Intent, Rule Impact Statement, comment response

summary, small business impact assessment, Attorney General certification and Gubernatorial approval

Time frame: August 2009

Deliverables: submittal packet with draft language revisions

TASK	MILESTONE DATES	EXPENDITURE
Task 1.1	Nov-07	17500
Task 1.2	Dec-07	6000
Task 1.3	Mar-08	2500
Task 1.4	Jul-08	2000
Task 1.5	Aug-08	2000
Task 2.1	Nov-08	17500
Task 2.2	Dec-08	6000
Task 2.3	Mar-09	2500
Task 2.4	Jul-09	2000
Task 2.5	Aug-09	2000
TOTAL =		\$60,000

Project Management

The Oklahoma Water Resources Board will be the lead agency for all project activities.

Project Duration

The project will be approximately 16 months in duration.

Budget Summary

A detailed budget for work to be performed as part of this project is included as Table 2.

Table 1. Allocation of Funds for Project

Allocation of Funds	Monies
Environmental Protection Agency (100% of Total Cost)	\$60,000
TOTAL PROJECT COST =	\$60,000

Table 2. Proposed budget for Triennial Revision. *Indirect 71.18%, Fringes 56.68%*

Personell			Man Years	Expenditure
	Environmental Specialist		0.24	\$6,480
	Sr. Environmental Specialist		0.23	\$10,580
	Environmental Program Manager		0.1	\$5,600
	Environmental Program Division Chief		0.05	\$3,500
Indirect and Fringe Costs				
	Indirect Costs	FY 07	74.83% of Personnel Costs	\$18,621
	Fringe Benefits	FY 07	44.86% of Personnel Costs	\$14,827
Supplies				
	Supplies			\$392
TOTAL PROJECT COST				\$60,000