

OWRB Update

EFO Newsreel

Oklahoma City - June 23, 2017

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Executive Director
Oklahoma Water Resources Board



2017 State Legislative Session

- Budget, budget, budget!
- OWRB rule changes- WQ standards for ASR
- PWWG-related legislation
- PW bills- state authorization passed, discussions on others will continue



Federal-Congressional Report

WIIN Act (Formerly known as WRDA)

- Authorized at \$10B, 2-year
- Included Choctaw-Chickasaw-OKC Water Settlement
- Authorized \$20M for Water Infrastructure Finance and Innovation Act (WIFIA)
- Water Supply – updates water supply conservation measures in areas with drought emergencies
- Included non-federal dam rehabilitation grant program to help prioritize high hazard dams

Federal-Congressional Report

WIIN Act, continued

- Eased iron and steel purchase requirements (DWSRF only FY2017)
- Reauthorizes Water Desalination Act through 2021
- Adds desalination and water recycling projects to WIFIA eligibility
- Provides support for SRFs to be a robust source of revenue

Federal-Congressional (cont.)

Water Supply Rule

- Corps' Proposed rule on Reservoir Projects for Domestic, Municipal and Industrial Water Supply
- Proposed December 2016; comment period expires August 18, 2017
- Corps proposed rule to provide clarification of the definition of water supply under Flood Control Act of 1944 and Water Supply Act of 1958

Federal-Congressional (cont.)

Water Supply Rule

- Issue: state primacy over water allocation, vague definition provide by the Corps, varying opinions between states and federal government on what the Corps is contracting for (space versus water volume)
- OWRB submitted comments on April 21, 2017:
 - Proposed “water supply” definition is vague and opens ability for Corps to usurp state’s water management and allocation authorities.

Federal-Congressional (cont.)

Water Supply Rule

- Rule should honor the long standing history of deferring to states on these issues.
- The Corps interpretation to include natural flow as surplus water could have serious affects on Oklahoma's ability to allocate and retain the state's water supply. (i.e. Lake Texoma).

Federal-Congressional (cont.)

Waters of the U.S.

- Corp of Engineers and EPA released proposed rule in order to "clarify protection under the CWA for streams and wetlands that form the foundation of the nation's water resources."
- Issue: state primacy over water use, where does jurisdiction begin, connection to wetlands, among others.
- Sec. Teague, Sec. Reese, and Sec. Patterson submitted comments this week. Any definition should:
 1. Respect States' rights and responsibilities related to protection and use of water resources
 2. Provide certainty regarding which waters are covered under the regulatory definition

Federal-Congressional (cont.)

Weather Research and Forecasting Innovation Act

- Enacted (P.L. 115-25 by Rep. Frank Lucas) April 2017
- Reauthorizes and modifies NOAA's weather research and forecasting programs to improve forecasting for high impact weather events

Federal-Congressional (cont.)

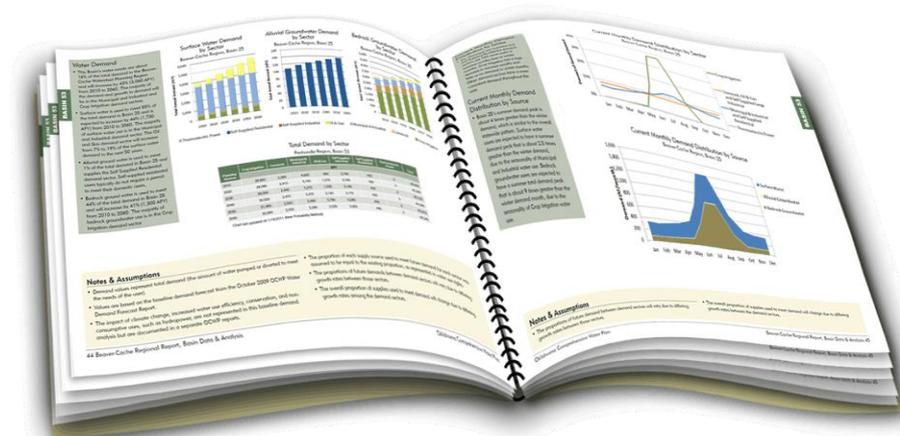
National Flood Insurance Program

- June 7 House Financial Services Committee held hearing on draft reform bills
- Considering several mark up bills to “put the program on more sustainable financial footing by expanding coverage to encourage private competition in the market and incentivizing mitigation measures by signaling to homeowners the true cost associated with the risk of living in a floodplain.”
- NFIP Policyholder Protection Act...” – would limit risk premium of single family residence to \$10k annually. Passed 53-0

2012 Update of the Oklahoma Comprehensive Water Plan

50-year Needs → Options → Solutions:

- Quantified Long-term Demand vs. Supply by Region (82 sub-basin level)
- Identified Gaps or Vulnerability
- Quantified Infrastructure Requirements
- Identified Policy Recommendations





PRIORITY **RECOMMENDATIONS**



Infrastructure Financing



Conservation, Efficiency, Reuse, Recycling



Monitoring



Supply Reliability



Fish & Recreation Flows



Excess/Surplus Water

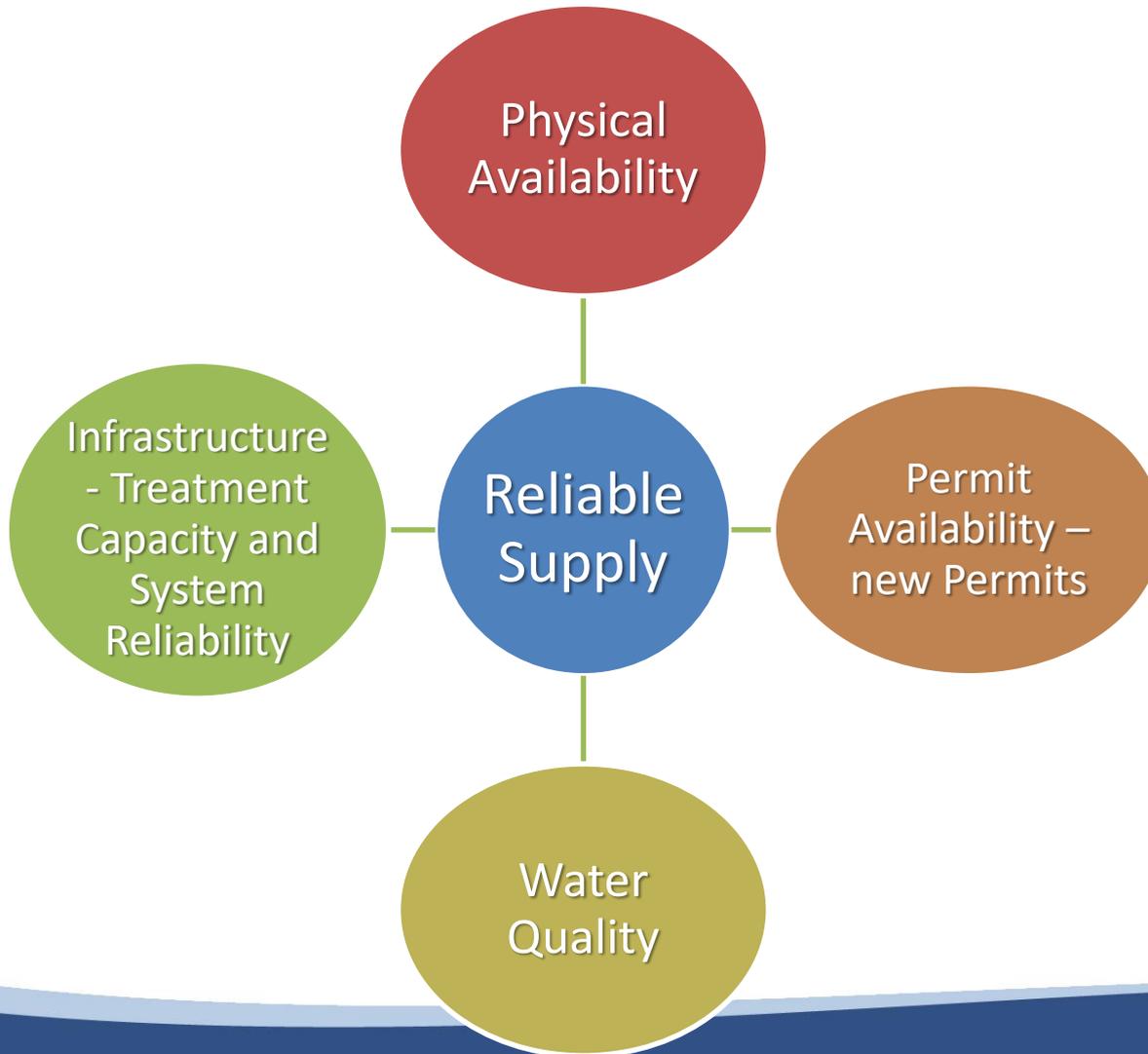


State/Tribal Water Consultation & Resolution



Regional Planning

Water Supply Reliability



Path to Resiliency

How do we increase our water “nest egg” - to stretch fresh water reserves during drought times and to increase future reliability:

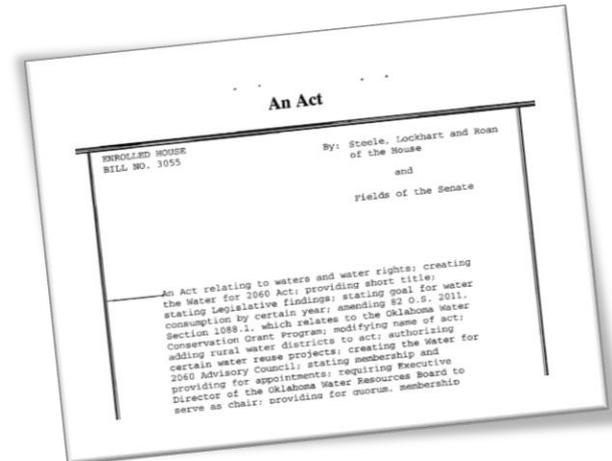
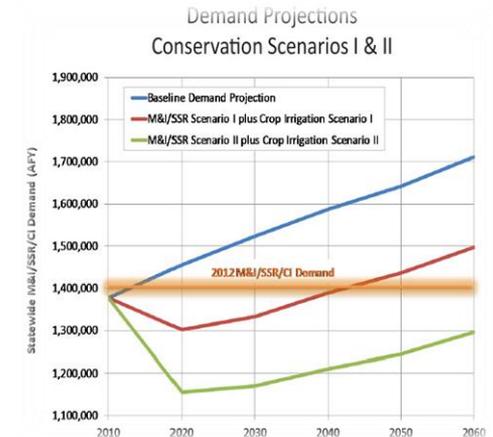
1. Spend Less — conservation, efficiency
2. Make More — marginal quality water reuse, aquifer storage & recovery, managed recharge
3. Protect Assets—diversify water supply portfolio, secure water rights, protect water quality, expand treatment capacity and maintain infrastructure!

2012 OCWP Priority Recommendation

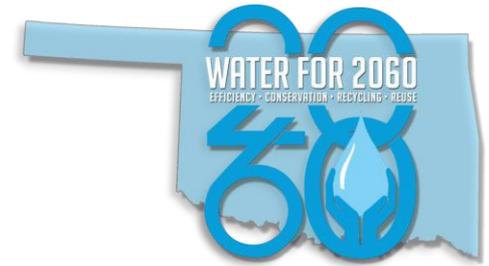
Conservation/Reuse/Efficiency



- OCWP technical studies showed dramatic water savings through various levels of conservation
- Recommended voluntary programs/policies, financial incentives, and public education
- Spurred the 2012 Water for 2060 Act which established Statewide goal of consuming no more fresh water in 2060 than consumed in 2010.
- Established Advisory Council to recommend solutions

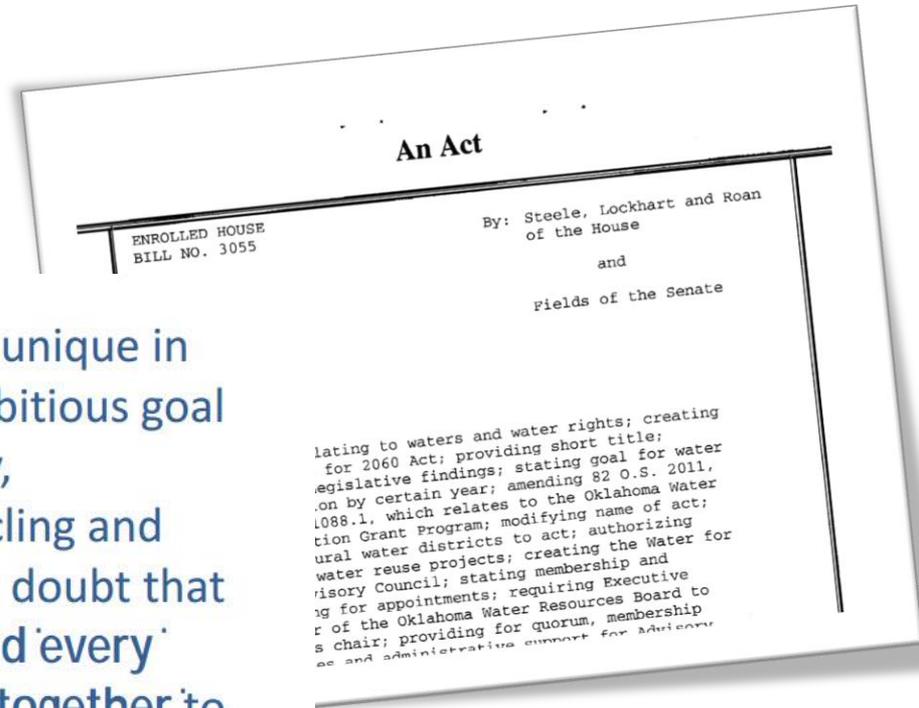


Water for 2060 Act



“Oklahoma is truly unique in setting such an ambitious goal for water efficiency, conservation, recycling and reuse.... there is no doubt that it will take each and every one of us working together to become the nation's most water-efficient state.”

- Governor Mary Fallin



Water for 2060 Advisory Committee Recommendations



- Develop public education and outreach materials, a statewide resources conservation campaign, and an Oklahoma water efficiency portal
- Facilitate increased sharing of information and supplies between energy and industry water users
- Develop an energy and industry water use best practices guidance and recognition program
- Promote industrial use of marginal quality waters

Produced Water Working Group



Governor Fallin created a non-regulatory, fact-finding work group focused on identifying regulatory, technical and economic barriers to produced water reuse.

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- Water Use Permitting
- Financial Assistance
- Well Drilling
- Water Quality Standards
- Monitoring & Assessment
- Groundwater Studies
- Surface Water Studies
- Dam Safety
- Floodplain Management
- Drought Monitoring
- Data & Maps

Water for 2060 Produced Water Working Group

The Water for 2060 Advisory Council's recommendations for the energy and industry sector include promoting the industrial use of marginal quality waters, such as produced water, and increasing opportunities for energy and industry water users to share information and supplies. On Dec. 1, 2015, Governor Mary Fallin announced the formation of a fact-finding work group to look at ways that water produced in oil and natural gas operations may be recycled or reused instead of being injected into underground disposal wells. The non-regulatory Water for 2060 Produced Water Working Group has been charged with identifying regulatory, technical, and economic barriers to produced water reuse as well as looking at opportunities and challenges associated with treating produced water for beneficial uses, such as industrial use or crop irrigation.

[Members](#)
[Meetings](#)
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Gov. Fallin Forms Fact-finding Group to Look at Ways 'Produced Water' Can Be Reused (press release)

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Produced Water Working Group



- Members from private, NGO, regulatory, academic sectors, potential water suppliers and users
- Pilot Study - complete
 - Matches PW volumes with potential end users (spatial/temporal considerations)
 - Determines technology and transportation network challenges
 - Identifies needs for regulatory changes- state primacy and ownership issues
 - Recommendations moving forward and research needs
- Legislation approved (2017)
 - SB 287 (Griffin)- state CWA jurisdiction to permit PW discharges

Produced Water Working Group



- Dept. of Interior-BOR announced \$23.6 m in water reclamation and reuse projects and studies nationally (3 in Oklahoma):
- OWRB received \$150,000 - *Feasibility Study of Potential Impacts of Select Alternative Produced Water Management and Reuse Scenarios*
- Project Partners- GW Protection Council, Environmental Defense Fund, Bureau of Economic Geology at University of Texas, OWRB
- Interested in opportunities to connect water treatment technology providers, produced water suppliers, potential users

Aquifer Storage and Recovery



- SB1219 (2016)
 - Authorized storage and recovery of water from an aquifer
 - Directs OWRB promulgate rules- framework for taking and use of water stored develop for permitting ASR projects and terms of withdrawal
 - Requires site-specific ASR storage and recovery plan- water is available for recovery, well spacing to protect from interference
 - Requires DEQ authorization to protect water quality
- Necessitates changes to GW quality standards, DEQ implementation rules, and GW quantity rules
- Governor approved standards rules in June

Aquifer Storage and Recovery



Next steps...

- OWRB GW antidegradation rules-
 - Define and determine assimilative capacity, permitting process implementation, etc.
- ODEQ Implementation rule-making for groundwater quality permitting
- OWRB amendments of Oklahoma groundwater law as it relates to water quantity
 - Water quantity accounting- “drop in – drop out”?
 - Considerations- migration, holding times, groundwater ownership/interference with private property rights, ...

Potable Water Reuse



- Rules for potable reuse in sensitive water supplies (SWS-Reuse) became state law September 2016
- Next Steps: develop additional rules for:
 - Process for petitioning to reclassify a waterbody from SWS to SWS-Reuse
 - Implementation rules for SWS-R and non-SWS water reservoirs

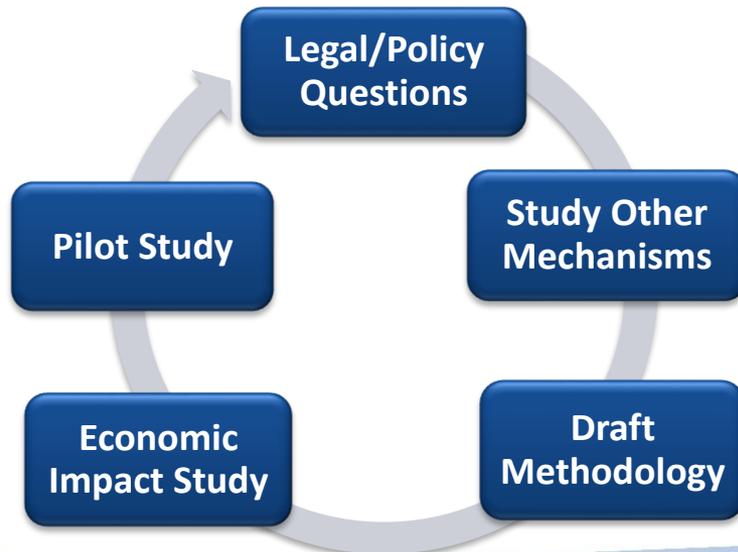
Typical Rulemaking Timeline

Informal Meetings	October 2016
Notice of Rulemaking Published	December 2016
Proposed Rules Available for Public Comment	December 2016- January 2017
Board Hearing	January 2017
Final Proposed Rule Available	February 2017
Board Action on Final Proposed Rule	February or March 2017
Legislative Review	Spring 2017
Gubernatorial Review	Spring 2017
Final State Published Rule	July 2017
Attorney General Certification	August- October 2017
Submit to EPA for Review	August- October 2017
EPA Approval (30-90 days)	November 2017- January 2018

2012 OCWP Priority Recommendation

Instream/Environmental Flows

- Recognize nonconsumptive water needs and supporting recreational and local economic interests
- Advisory committee to assess the suitability and structure of a potential instream flow program for Oklahoma



ISF – Upper Illinois Studies

Phase 1 – Pilot Study complete

- Report on habitat flows, has been finalized by the USACE-Tulsa District contractor CH2M.
- Initiated on a state-designated Scenic River in 2014 in response to the recommendations of a 25-member Instream Flow Advisory Group

Phase 2 – Economic Impact Study

- Next step - investigation of cost/benefits of the various Pilot Study flow scenarios' economic impact to basin stakeholders

Tribal Water Settlement

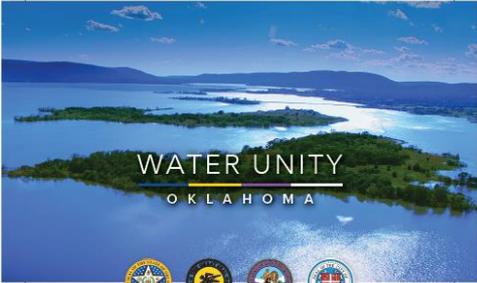
- Settles Litigation:

- *Chickasaw Nation, Choctaw Nation v. Fallin et al.*, CIV 11-927 (W.D. Ok.)
 - Resolves disputes related to ownership, regulatory control, and use of water by the Nations
 - State-wide and specifically w/in 22 county area historically claimed as “treaty territory” (“Settlement Area”)
- *OWRB v. United States, et al.*, CIV 12-275 (W.D. Ok.)
 - General stream adjudication



Tribal Water Settlement

A New Era of Cooperation
Choctaw and Chickasaw Nations and
State of Oklahoma Reach Historic Agreement



WATER UNITY
OKLAHOMA



The State of Oklahoma, the Choctaw and Chickasaw Nations and Oklahoma City have come together to recognize the water needs of all Oklahomans and to protect the use and development of water resources in south-central and southeastern Oklahoma.

This is an historic achievement that protects the interests of all Oklahomans, including:

 <p>RURAL COMMUNITIES A delicate balance was struck that facilitates water use without sacrificing the economic growth of our rural communities, particularly those in south-central and southeastern Oklahoma.</p>	 <p>EXISTING RIGHTS The agreement unequivocally protects existing water rights and provides certainty for the development of future uses by maintaining the strict regulation and administration of water and water rights.</p>
 <p>URBAN CENTERS Our cities create or support more than a million jobs a year. Urban centers drive prosperity for the whole state. With a dash of sound science, this agreement will balance the water needs of the Oklahoma City metropolitan area with the needs of rural communities in a growing part of our state.</p>	 <p>TOURISM Tourism is Oklahoma's third largest industry – a result of this tourism in south-central and southeastern Oklahoma centered on water recreation. The agreement will protect those water resources necessary to support a vibrant recreation and tourism industry, now and for the decades to come.</p>

When finalized, the water agreement among the State of Oklahoma, the Chickasaw Nation, the Choctaw Nation and Oklahoma City will resolve decades of conflict over shared water resources and will establish a cooperative framework for future generations.

Learn more at WaterUnityOK.com

WATER UNITY
OKLAHOMA

- Protects existing water rights in settlement area and guaranteed input on permit applications
- OWRB continues to administer water rights
- OKC get water needed for future growth with conservation practices
- Local long-term water needs protected
- State's debt and other obligations to the Federal government will be resolved

Questions?

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